AUDIT & GOVERNANCE COMMITTEE

AGENDA

Meeting to be held on
Wednesday 21 May 2014, at 7:00 pm
in the First Floor Meeting Room, Civic Centre
181 Unley Road Unley

MEMBERS

Mr John Rawson (Presiding Member)
Mr Shaun Matters (Deputy Presiding Member)
Mr Ed Parker
Councillor Michael Saies
Councillor Rob Sangster

REPORT TO COUNCIL

23 June 2014

APOLOGIES

CONFLICT OF INTEREST

CONFIRMATION OF MINUTES

MOVED:
SECONDED:

That the minutes of the Audit and Governance Committee meeting held on Tuesday, 11 February 2014, as printed and circulated be taken as read and signed as a correct record.

DEPUTATIONS / PRESENTATIONS

Nil
## REPORTS OF OFFICERS

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## PROPOSED AGENDA ITEMS FOR 2014

As per Workplan (Item 77/12-11-2013)

## MEETING DATES SCHEDULED FOR 2014

- 11 February
- 13 May (21 May)
- 29 July
- 24 September
DECISION REPORT

REPORT TITLE: 2014-15 DRAFT ANNUAL BUSINESS PLAN AND BUDGET

ITEM NUMBER: 88

DATE OF MEETING: 21 MAY 2014

AUTHOR: MIKE CAREY

JOB TITLE: MANAGER FINANCE AND ICT

RESPONSIBLE OFFICER: STEPHEN FAULKNER

JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE

COMMUNITY GOAL:

O5.3 GOOD GOVERNANCE AND LEGISLATIVE FRAMEWORK

O5.5 A FINANCIALLY SUSTAINABLE APPROACH TO BUSINESS AND PLANNING ACTIVITY

ATTACHMENTS:

1. DRAFT ANNUAL BUSINESS PLAN 2014-15

PURPOSE

This report is to provide the Audit and Governance Committee with the Draft Annual Business Plan and Budget 2014-15 for review and feedback.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. The Draft Annual Business Plan, Attachment 1 to Item 88/14, be noted.

3. The comments from the Audit and Governance Committee relating to the Draft Annual Business Plan will be presented to the Council at the next Budget Workshop to be held early June 2014.
BACKGROUND

The Local Government Act 1999 (the Act), Section 123(3) requires councils to prepare a draft document for community consultation prior to adopting the annual budget.

The Annual Business Plan and Budget must be adopted after the 31 May and prior to the 31 August each year.

COMMUNITY ENGAGEMENT

Section 123(4) of the Local Government Act 1999 prescribes the minimum level of consultation that a council must undertake in conjunction with the Draft Annual Business Plan. It requires the publication of a notice in a newspaper circulating within the area of the Council inviting interested parties to attend a public meeting, or a meeting of Council where members of the public may ask questions. Council is also required to invite interested parties to make a written submission outlining any concerns they have, or comments that they wish to make, about what is being proposed.

Community consultation of the Draft Annual Business Plan will occur between 7 May and 29 May 2014.

The proposed level of engagement, listed below, meets the requirements of the Local Government Act (LGA):

- an advertisement will be placed in the Eastern Courier Messenger advising of the consultation period and public meeting date and time
- a public meeting will be held in the Goodwood Community Centre on the 28 May 2014 at 5.30pm, and
- submissions will be received in writing or via Your say Unley.

DISCUSSION


The information contains:

- project priorities
- a summary of the services provided by Council
- information regarding Council’s Long Term Financial Plan
- funding requirements
- consideration of the rating structure and impact.

Three Elected Member workshops have been held as part of the Annual Business Plan development process. The first of these workshops was held in December 2013 with the second and third workshops held on 1 April and 7 April.
2014 respectively. A further workshop is proposed, following community consultation, to be held 2 June 2014.

The Draft Annual Business Plan 2014-15 has been developed using the Long Term Financial Plan as a guide with the aim to achieve the adopted financial targets.

<table>
<thead>
<tr>
<th>Financial Indicator</th>
<th>Council Adopted Target</th>
<th>Draft Budget 2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Surplus Ratio</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Net Financial Liabilities Ratio</td>
<td>&lt;= 80% of Total Operating Revenue less NRM Levy</td>
<td>50%</td>
</tr>
<tr>
<td>Asset Sustainability Ratio</td>
<td>&gt;= 100% average over the 10 year period</td>
<td>102%</td>
</tr>
</tbody>
</table>

The following items are proposed as the basis for consultation with the community:

- an estimated rates increase for existing ratepayers of 4.95% (rates growth, being rates from new rateable properties is assumed at 0.7%)
- proposed net Operating Projects of $1.296m
- proposed net Capital Replacement of $6.936m
- proposed net Capital New of $2.871m
- additional funding for proposed new capital will come from borrowings estimated at $2.914m.

If Council decides to reduce the estimated 4.95% rate increase, this will require a reduction in the proposed operating initiatives to meet Councils agreed Operating Surplus target of 3%.

Specific cost pressures for the City of Unley in developing the 2014-15 Annual Business Plan include:

- servicing the cost (principal and interest) of a Council endorsed open space land acquisition which will result in an annual cash flow requirement in the order of $300k, representing 1% of General Rates
- the requirement to renew Council’s waste management contract in 2014-15 noting that Council’s current contract is considered to be in the order of 25% below market rates. This is likely to increase costs by $800k from the current contract price
- utility rises for water (41% increase over last 3 years) and electricity (30% increase over last 3 years) well above CPI (in the order of 8% over the same 3 year period)
- Council election in November 2014 with anticipated one off costs of $172k
• increase in legislated requirement for governance including associated
requirements for the Independent Commissioner Against Corruption
(ICAC), internal controls and auditing
• backlog of building maintenance requirements (estimated at $100k per
annum)
• increases in maintenance on new assets and new levels of service to
maintain Managed Aquifer Recharge (MAR) systems and Water
Sensitive Urban Design (estimated at over $200k per annum).

In response to the cost imposts on Council and to minimise the burden on
ratepayers, the draft Business Plan and Budget has been prepared within the
following targeted reductions in expenditure.

Specific cuts have included:
• reduction in casual staff of $225k
• reduction in overtime of $38k
• reduction in temporary contractors of $143k
• reduction in sundry other expenses of $120k and
• reduction in training expenses of $30k.

At this stage in the budget development process, Council has identified
proposed new operating initiatives that amount to $1.367m (Net $1.296m).
Further review of these proposals will occur between now and June and will
include consideration of the community consultation feedback before the
Budget is finalised for adoption.

Significant items include:
• Council contribution to the undergrounding of the power lines for
Goodwood Road between the tram crossing and Mitchell Street $300k
• completion of Year 3 actions of the Unley Digital Economy Strategy
$150k
• completion of planning for the Unley Central Precinct $80k
• Local Government Elections 2014 (including induction) $172k
• development and commencement of implementation of the Customer
Service Framework $77k
• place activation and showcasing of the City of Unley through events
including Unley Gourmet Gala ($213k net), Tour Down Under ($25k) and
community events program and related activities ($100k).

The proposed capital replacement program of $7.491m (net $6.936m) has been
based on current asset information, resulting in a 10 year rolling average for the
Asset Sustainability Ratio of 102%.
Major items include:

- $1.195m for a footways replacement program of
- $1.450m for the proposed road reseal program, and
- $490k for reserves, recreation and open space projects.

Proposed major new capital projects total $3.066m (net $2.871m) and include:

- Stage 2 of the Randolph Avenue streetscape $250k with $125k of grant funding
- contribution to Unley Oval upgrade relating to lighting and fencing $95k (and subject to grant funding, Sturt Football Club contribution and community consultation)
- Brownhill Keswick Creek project contribution $1.643m, and
- implementation of Council’s Asset Management System $450k.

New capital projects will be funded by borrowings.

A copy of the Draft Annual Business Plan is provided as Attachment 2 to Item 88/14.

**Attachment 2**

The impact of this draft plan does not compromise Council’s long term financial sustainability. It will however need to continually monitor the impact of its decisions on the long term Net Financial Liabilities and Equity.

**ANALYSIS OF OPTIONS**

Option 1 – The draft Annual Business Plan, Attachment 2 to Item xx/14, be noted and comments from the Audit and Governance Committee relating to the Draft Annual Business Plan be presented to the Council at the next Budget Workshop to be held on 2 June 2014.

The Audit and Governance Committee provides valuable support to the Council in its strategic financial planning. Input to the Draft Annual Business Plan and Budget at this time will provide opportunity for the Council to consider feedback before adoption.

**RECOMMENDED OPTION**

Option 1 is the recommended option.

**POLICY IMPLICATIONS**

The proposed Draft Annual Business Plan and Budget for 2014-15 meets the legislative requirements and financial targets adopted as part of the Long Term Financial Plan.
CONCLUSION

The development of the Draft Annual Business Plan and Budget 2014-15 has followed a thorough process guided by the targets and principles of the Long Term Financial Plan and is based on the following principles:

- an estimated rates increase for existing ratepayers of 4.95%
- rates growth, being rates from new rateable properties assumed at 0.7%
- proposed net Operating Projects of $1.296m
- proposed net Capital Replacement of $6.936m
- proposed net Capital New of $2.871m
- additional funding for proposed new capital will come from borrowings estimated at $2.914m.
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Background

Under Section 123 of the Local Government Act 1999 Council is required to have a budget for each financial year. This budget must be considered as part of the Council’s Annual Business Plan.

Before a council adopts its Annual Business Plan it must prepare a Draft Annual Business Plan and undertake a public consultation process.

The purpose of the Draft Annual Business Plan is to impart understanding of:

- The services provided by the City of Unley
- Proposed new initiatives and projects, and
- Draft budget for 2014-15

This year’s consultation process will commence on 7 May 2014, providing a basis for feedback from the community, so that it can respond and inform Council before the Annual Business Plan is adopted and rates declared.

Once it has been subject to public consultation, and the submissions of the draft considered by Council, the Statutory Budget documents for this year will be added.

A Long Term Financial Plan has been developed to assist Council with developing a budget within a prudent, longer-term financial framework. The key objective has been to ensure financial sustainability in the medium to long term, while still achieving Council’s goals as detailed in the Community Plan and Annual Plan objectives.

Council seeks to achieve a reasonable degree of rate stability over time while ensuring ratepayers are paying for those services and infrastructure maintenance obligations they require.

How Council measures its performance

Council measures its achievements and financial performance through the following processes:

- Regular financial reporting to Executive and Council
- Quarterly corporate performance report to Executive and Council
- Budget Reviews in accordance with legislation
- Annual review of the Long Term Financial Plan, and
- Production of Annual Report including audited financial statements.
Executive Summary

The draft Annual Business Plan for 2014-15 has been prepared in accordance with the priorities of its Community Plan 2033 and 4 Year Plan 2013-2016 and the financial targets adopted by Council at its Council Meeting in February 2014.

Key financial information for 2014-15 is summarised below:

<table>
<thead>
<tr>
<th>Budget Summary</th>
<th>$'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Rates Income</td>
<td>34 577</td>
</tr>
<tr>
<td>All Other Operating Income</td>
<td>8 220</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>40 454</td>
</tr>
<tr>
<td>Operating Projects</td>
<td>1 296</td>
</tr>
<tr>
<td><strong>Operating Surplus</strong></td>
<td><strong>1 047</strong></td>
</tr>
<tr>
<td>Replacement Capital Expenditure</td>
<td>6 936</td>
</tr>
<tr>
<td>New Capital Expenditure</td>
<td>2 871</td>
</tr>
<tr>
<td><strong>Total Capital Expenditure</strong></td>
<td><strong>9 807</strong></td>
</tr>
<tr>
<td><strong>Estimated New Borrowings</strong></td>
<td><strong>2 914</strong></td>
</tr>
<tr>
<td>Repayment of Borrowings net of community loan repayments</td>
<td>1 299</td>
</tr>
</tbody>
</table>

Council will raise sufficient income to cover its operating expenses.

Key Financial Targets

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Adopted Target</th>
<th>Proposed Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Surplus Ratio</td>
<td>3.0%</td>
<td>3.0%</td>
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<tr>
<td>Net Financial Liabilities Ratio</td>
<td>= &lt; 80%</td>
<td>50%</td>
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<tr>
<td>Asset Sustainability Ratio (over 10 years)</td>
<td>= &gt; 100%</td>
<td>102%</td>
</tr>
</tbody>
</table>

Impact on ratepayers

It is proposed that the overall amount ratepayers will pay in general rates will increase in the order of 4.95%. For a residential property of average value, this equates to an increase in general rates of approximately $75 for the 2014-15 year. Rate increases may vary from the average where there has been new development, capital improvements or other significant change to the value of the property.

For more information on the rating structure context please refer to Funding the Business Plan on page 16.
Strategies behind the Draft Annual Business Plan

The purpose of the Draft Annual Business Plan is to impart an understanding of:

- Annual objectives for the year in the context of Council’s long-term objectives
- The activities and services provided by Council
- Key financial information relating to revenue and expenditure
- Proposed new initiatives and projects
- Rating context and impact of rates for 2014-15, and
- Council’s long term financial plan and asset management plans

The draft Annual Business Plan sets out the Council’s proposed services, programs and projects for 2014-15. It outlines the Council’s specific objectives for the year in the context of its forecast long term financial position to ensure that a sustainable financial position is maintained.

As such this Draft Annual Business Plan will provide a basis for feedback from the community, so that it can respond and inform Council before the Annual Business Plan is adopted and rates declared.

The City of Unley Draft Annual Business Plan and Budget has been developed in the context of the Council’s suite of strategic management plans which include the following:

- Community Plan 2033
- 4 Year Plan 2013-2016
- Long Term Financial Plan including Council’s Infrastructure and Asset Management Plans

The links between these key planning documents is shown below.
The Community Plan 2033 provides the vision, strategies and framework for the future of the City of Unley.

The Four Year Plan outlines the priorities and strategies of Unley Council until the year 2016. It sets out strategies that are part of a long term vision, described in the Community Plan 2033, to promote growth that is economically, socially and environmentally sustainable. It also details key projects and services that Council will deliver over the four year period.

The diagram below displays the Council’s Strategic Planning Framework:
Significant Influences for the 2014-15 Budget

A number of factors have influenced the preparation of the Council’s draft 2014-15 Annual Business Plan and Budget. These include:

- Local Government Price Index increases on relevant goods and services, which in the past has tracked at approximately 1% above the CPI
- Enterprise Agreements for most staff which provide for wages and salary increases in line with current and proposed wage agreements
- maintaining asset management (replacement) expenditure at a sufficient level to ensure long term maintenance of Council infrastructure, property and IT assets
- increased maintenance requirements due to an increase in capital works and construction of new assets over recent years
- commitments to long term major projects and partnership initiatives, including Unley Central and Brown Hill Keswick Creek.

Specific cost pressures for the City of Unley in updating the Long Term Financial Plan and developing the Draft Annual Business Plan 2014-15 include:

- utility rises for water (41% increase over last 3 years) and electricity (30% increase over last 3 years) well above CPI (in the order of 8% over the same 3 year period)
- servicing the cost of a recently contracted open space land acquisition which will result in an annual cash flow requirement in the order of $300k, representing 1% of General Rates
- the requirement to renew Council’s waste management contract in 2014-15. Noting that Council’s current contract is considered to be in the order of 25% below market rates, this is likely to increase costs by $800k from the current year
- Council election in November 2014 with anticipated one off costs of $172k
- increase in legislated requirement for governance including associated requirements for the Independent Commissioner Against Corruption (ICAC), internal controls and auditing
- backlog of building maintenance requirements (estimated at $100k per annum)
- increases in maintenance on new assets and new levels of service to maintain Managed Aquifer Recharge (MAR) systems and water sensitive urban design (estimated at over $200k per annum).
- the proposed transfer of SA Housing Trust properties into housing associations sometime over the next couple of years with a rates impact of $300k
Council’s Proposed Response

In response to the cost imposts on Council and to minimise the burden on ratepayers, the draft Business Plan and Budget has been prepared within the following targeted reductions in expenditure.

Specific cuts have included:

- reduction in casual staff of $225k
- reduction in overtime of $38k
- reduction in temporary contractors of $143k,
- reduction in sundry other expenses of $120k and
- reduction in training expenses of $30k
Services provided to the Community

The Local Government Act 1999 prescribes a system of local government to enable councils to govern and manage areas at a local level.

All councils have basic responsibilities under the Local Government Act and other relevant legislation. These include:

- Regulatory activities, including voters’ roll maintenance and Elected Members’ support
- Determining longer term strategic management and management plans, financial plans, infrastructure and asset management plans and policies and procedures
- Setting rates, preparing an Annual Business Plan and Budget
- Management of basic infrastructure including roads, footpaths, parks, public open space, street lighting and stormwater drainage
- Street cleaning and rubbish collection
- Development planning and control, including building safety assessment
- Provision of various environmental health services.

In response to community needs, Council provides the following services and programs:

- Aged and Social Care
- Animal Management
- Environmental Management
- Community Development
- Community Engagement
- Community Services
- Community Transport
- Community Event Programs
- Corporate Services
- Recreation and Open Space Management
- Environmental Management
- Economic Development
- Urban Policy and Planning
- Library Services
- Sustainable Landscapes
- Parking Control
- Community Centres
- Volunteers
- Sport and Recreation
- Youth Development
- Museum

The Council also maintains a number of facilities and services on a fee for service basis, some of which are subsidised and include:

- Unley Swimming Centre
- HACC Program
- Ovals, courts, parks and reserves for hire.

- Community Bus Service
- Halls for hire

Council anticipates that existing service levels of all continuing services from 2013-14 will be maintained during 2014-15.
## Council’s Long Term Objectives and Key Projects

To enable Council’s Vision to be delivered, Council has identified five themes that describe the desired future for the City together with strategic directions and strategies required to deliver the outcomes.

To ensure Council is achieving the vision and outcomes, the business plan has been prepared to deliver objectives for its key priorities by implementation of the following key projects.

<table>
<thead>
<tr>
<th>Emerging</th>
<th>Our path to a future city</th>
<th>New activities and technologies that support our business and residential communities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Long Term Strategic Objectives</strong></td>
<td><strong>Key Projects 2014-15</strong></td>
<td></td>
</tr>
<tr>
<td>• A thriving and prosperous business community</td>
<td>• Commence an improved streetscape for Goodwood Road including the undergrounding of the power lines between the tram crossing and Mitchell Street</td>
<td></td>
</tr>
<tr>
<td>• Emerging technology is embraced</td>
<td>• Complete Year 3 actions of the Unley Digital Economy Strategy</td>
<td></td>
</tr>
<tr>
<td>• A dynamic mix of uses and activities in selected precincts</td>
<td>• Complete planning for the Unley Central Precinct</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Living</th>
<th>Our path to a thriving city</th>
<th>Reflecting issues of culture, diversity and lifestyle</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Long Term Strategic Objectives</strong></td>
<td><strong>Key Projects 2014-15</strong></td>
<td></td>
</tr>
<tr>
<td>• An enviable and diverse lifestyle</td>
<td>• Place activation and showcasing of the City of Unley through major events including Unley Gourmet Gala, Tour Down Under and community events program</td>
<td></td>
</tr>
<tr>
<td>• Activated places</td>
<td>• Contribution to the upgrade of Unley Oval lighting and picket fence and the pursuing of funding opportunities for Unley Oval Grandstand redevelopment and open space components</td>
<td></td>
</tr>
<tr>
<td>• A City of cultural and artistic diversity</td>
<td>• Commencement of public art strategy implementation pilot program including Greenways Cycle program</td>
<td></td>
</tr>
<tr>
<td>• Healthy and active community</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Collaborative and engaged community</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Moving Our path to an accessible city
Concerning accessibility and transport

<table>
<thead>
<tr>
<th>Long Term Strategic Objectives</th>
<th>Key Projects 2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Equitable parking throughout the City</td>
<td>• Continuation of local area traffic management studies program and implementation of outcomes</td>
</tr>
<tr>
<td>• An integrated, accessible and pedestrian friendly City</td>
<td></td>
</tr>
<tr>
<td>• Alternative travel options</td>
<td></td>
</tr>
</tbody>
</table>

### Greening Our path to a sustainable city
Covering concerns about environmental initiatives and sustainability

<table>
<thead>
<tr>
<th>Long Term Strategic Objectives</th>
<th>Key Projects 2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Renowned for lifestyle and environmental balance</td>
<td>• Delivery of Brown Hill Keswick Creek Outcomes includes commencement of Ridge Park Dam &amp; Council's contribution to the Stormwater Management Plan works</td>
</tr>
<tr>
<td>• Leaders in waste reduction</td>
<td>• Implementation of Stage 2 of irrigation connections to Managed Aquifer Recharge scheme</td>
</tr>
<tr>
<td>• Functional open green space throughout the City</td>
<td>• Living Streets pilot demonstration promoting shared road concepts including design and consultation aspects in preparation for possible construction in 2015-16</td>
</tr>
</tbody>
</table>

### Operational Excellence Our path to a robust and sustainable organisation

<table>
<thead>
<tr>
<th>Long Term Strategic Objectives</th>
<th>Key Projects 2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A constructive culture for all employees and volunteers</td>
<td>• Stage 1 of the Asset Management System implementation</td>
</tr>
<tr>
<td>• A customer-centric approach</td>
<td>• Development and commencement of implementation of Customer Service Framework</td>
</tr>
<tr>
<td>• Good governance and legislative framework</td>
<td>• Completion of the Web Site Redevelopment Project</td>
</tr>
<tr>
<td>• An environment of continuous improvement and innovation</td>
<td>• Completion of the automated Booking System for Council Facilities</td>
</tr>
<tr>
<td>• A financially sustainable approach to business and planning activity</td>
<td></td>
</tr>
<tr>
<td>• Enabling information systems and robust reporting</td>
<td></td>
</tr>
<tr>
<td>• Uphold City of Unley's reputation</td>
<td></td>
</tr>
</tbody>
</table>
Project Priorities proposed for the Year

Council’s proposed project priorities for 2014-15 stem from the long term objectives and strategies of Council as outlined in Council’s Community and 4 Year Plans.

All proposed new assets will be funded by additional borrowings.

Council has undertaken a methodical and considered approach to determine its priorities for the upcoming financial year. These are the steps that were taken to determine the proposed projects for consultation:

- Elected Members submitted projects based on perceived community need
- Management and staff proposed projects that aim to assist in achieving the Strategic Themes in Council’s Community Plan 2033 and 4 Year Plan
- The Capital Works Program was guided by Council’s Asset Management Plans
- Projects were divided into three broad categories: Operating Projects (including change to service), New Capital and Capital Replacement
- Staff proposed Operating Projects were assessed based on risk, benefit, cost and impact
- Capital Projects were ranked according to Asset Plans and other strategic plans; and risk assessments were undertaken for projects
- Elected Member workshops were used to further prioritise, refine and finalise the proposed project list for community consultation.

Operating Projects

These types of projects are either once-off, short term projects or a request to change the level of service. The request to change the level of service will also impact future budgets.

These projects are to be funded by Council’s rates income and therefore affect the level of rates increase being considered. The Council is considering a rate increase of 4.95% and the draft Budget proposes to fund a net amount of $1.296m of operating projects.

Further review of these proposals will occur between now and June 2014, and includes consideration of this consultation process before it is finalised for adoption.

Significant items include:

- Council contribution to the undergrounding of the power lines for Goodwood Road between the tram crossing and Mitchell Street $300k
- Completion of Year 3 actions of the Unley Digital Economy Strategy $150k
- Completion of planning for the Unley Central Precinct $80k
- Local Government Elections 2014 (including Induction) $172k
- Development and commencement of implementation of the Customer Service Framework $77k
place activation and showcasing of the City of Unley through events including Unley Gourmet Gala ($213k net), Tour Down Under ($25k) and community events program and related activities $100k.

The proposed projects are detailed in Appendix 1.

In addition, Council on 28 April 2014 endorsed an allocation of $5,500 to the Sturt Lawn Tennis Club subject to the successful outcome of grant funding from the State Government.

**Capital Projects**

The City of Unley is responsible for a large number of assets with a current depreciable value of approximately $530m including land. It is important that Council engage in practices that optimise the assets “useful lives” for the benefit of the whole community.

Like many other councils, the City of Unley is provided with an increasing demand to provide services in an environment of ageing assets, increased liability and continual constraints on funding.

The proposed capital replacement program of $7.491m (net $6.936m) has been based on current asset information and asset management plans. Main items include:

- $1.195m for the footways replacement program
- $1.450m for the proposed road reseal program, and
- $490k for reserves, recreation and open space projects.

New capital projects will be funded by borrowings. The proposed new capital projects total $3.066m (net $2.871m) and include:

- Stage 2 of the Randolph Avenue streetscape $250k with $125k of grant funding
- Contribution to Unley Oval upgrade relating to lighting and fencing $95k
- Brown Hill Keswick Creek project contribution $1.643m, and
- Implementation of Council’s Asset Management System $450k.

New capital expenditure may not affect Council rates in the year of creation but will affect the rates income in the future by way of increased depreciation, maintenance and interest expenses. All new capital will largely be funded through borrowings, however Council commits to investigate where possible grants to help fund these new assets.

Details of the proposed Capital Works Program are provided in Appendices 2 and 3.
Financial Framework

Long Term Financial Plan (LTFP)

Council has developed a LTFP to guide its financial decisions and to ensure it is prudent in its financial management and considers a longer term view. The LTFP has been reviewed and updated to reflect the most current information available.

This 10 year LTFP has been developed as part of Council’s ongoing financial planning to assist Council to plan within a longer term strategic framework.

The key components of the plan are:

- Assessment of Council’s current financial position and achieving longer term financial sustainability
- Ensuring Financial Targets are met
- Consideration of Council’s appropriate role and responsibilities
- Ensuring alignment with the Community and 4 Year Plans and maintenance of high priority strategies
- Ensuring all proposed strategies are costed before adoption
- Ensuring alignment with agreed service provision and delivery standards
- Ensuring alignment with **Asset Management Plans** and **Maintenance Standards**
- Ensuring alignment with **internal support strategies**
- Ensuring alignment with **Funding and Treasury principles** as well as **intergenerational equity** (Rating stability, Treasury Policy, Fees & Charges, External Funding and Investments)

**Infrastructure and Asset Management Plans**

The City of Unley owns and is responsible for the management, operation and maintenance of a diverse asset portfolio that provides services and facilities for City users. Infrastructure and Asset Management Plans have been developed for all infrastructure assets to ensure Council continues to provide effective and comprehensive management of its asset portfolios. To manage this process, Council assets have been grouped into categories and Infrastructure and Asset Management Plans developed for each category.

The development of these Infrastructure and Asset Management Plans indicate Council’s ongoing commitment to operate and maintain its asset portfolio efficiently to both meet strategic and legislative requirements, and to deliver the required levels of service for the community. The plans make assumptions on the continued utilisation of the assets and specify rolling condition audits required to provide up to date information for the ongoing improvement and review of the plans.

The Infrastructure and Asset Management Plans provide the basis for the Replacement Capital Program included in Council’s Long Term Financial Plan and is refined as part of the Annual Business Plan and Budget process. This program details those individual asset replacement projects flowing out of the Infrastructure and Asset Management Plans which require completion to ensure the assets meet the required levels of service. In 2014-15 the Replacement Capital Program has a projected gross expenditure of $7.491 million.
Funding the Business Plan

Excluding borrowings for New Capital, over 80% of Council’s funding is generated from rates with the balance largely relating to fees and charges set by Council or statutory fees gazetted by the State Government on an annual basis.

Rates Context

In setting the rates for 2014-15 Council proposes to continue with its current method of rating, which is three differential rates with a minimum rate, applied against the capital value of properties. Council considers this to be the most fair and equitable method of rating for the City of Unley.

Council acknowledges that rates are the main source of income to deliver the services and maintain the infrastructure required by our community. Rates are a form of property taxation, and property values determine how much each property contributes. This system of taxation means that the rates paid may not directly relate to the services used by each ratepayer.

It is proposed that the overall amount ratepayers will pay in general rates will increase in the order of 4.95%. In determining the total rates income needed for the 2014-15 financial year, Council has mainly relied on its adopted Long Term Financial Plan which indicates rate increases over the next ten years.

Refer to Appendix 4 for details on Rates Assistance Available.

Rate Statistics

Council has just over 18,000 assessments with nearly 16,000 residential, over 1,800 assessments within non-residential Category 2 (including commercial shops, industrial, and vacant) and 600 non-residential Category 3 (commercial offices and commercial – other)

In terms of assessments on the minimum rate, these total just over 2,100, with residential comprising over 2,000 of these assessments.

The City of Unley has just over 2,000 pensioner concessions and slightly fewer than 900 properties which receive a Seniors’ concession.

Rates Modelling

The majority of the valuation for the Council area has been completed and this reflects an increase of 2.7% in valuation for existing properties. This valuation information is still subject to Valuer-General and internal quality assurance processes and revisits during the consultation period.

Analysis to date has indicated that residential properties, representing over 85% of the overall valuation, had the average valuation increase of just over 3%. For non-residential properties, including commercial, the average valuation increase is just under 1%.

The Budget has been formulated on the basis of retaining differential rates for residential and non-residential property at the appropriate rate in the dollar to provide an overall increase in rates of 4.95%.
Valuation Method

The Council has adopted the capital value method of valuing properties. This method values the land and all improvements on the land. It is the most widely used method across South Australian councils.

Council considers this valuation method the most equitable method to spread the rates burden across the measure of wealth within the City. It equates to the taxation principle that people should contribute to community, social and physical infrastructure in accordance with their capacity to pay as measured by property wealth.

In determining how rates are applied, and in determining the rate in the dollar, Council uses the following options.

Minimum Rate

In accordance with S158 of the Local Government Act 1999, Council has decided that there will be a minimum rate on every rateable property. Council, in adopting a minimum rate, considers it appropriate that all rateable properties make a contribution to the cost of administering the Council’s activities and creating and maintaining the physical infrastructure that supports each property.

It is proposed that the minimum rate will increase in line with the overall rate increase of 4.95%, excluding growth.

Differential Rates

In accordance with S153 of the Local Government Act 1999, Council will declare three differential General Rates according to the land use category. The land use categories are as follows:

<table>
<thead>
<tr>
<th>Group 1</th>
<th>Non-residential Category 2</th>
<th>Non-residential Category 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Commercial Shop</td>
<td>Commercial Office</td>
</tr>
<tr>
<td></td>
<td>Industry Light</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industry Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Primary Production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacant Land</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Council has considered the principle of rate stability when assessing the rates burden across the above categories. Other considerations were given to the change in capital value across the land use categories and the rates income provided by each.

The application of a Differential General Rate is generally intended to alter the amount payable by particular land uses. In the City of Unley area it has been determined that the differentiation between residential and non-residential category 2 is in the order of 55% and the differentiation between residential and non-residential category 3 is in the order of 45%.

It is estimated that the Residential Differential General Rate will raise net rate revenue in the order of $27.0m in 2014-15.

It is estimated that the Non–Residential Differential General Rates will raise net rate revenue in the order of $7.6m in 2014-15.
Separate Rate for Main Street Trader Associations

The Council proposed to continue to raise a separate rate, for the purposes of promotion of the businesses and traders along major shopping strips. Council collects the separate rate and passes the funds collected onto the individual Trader Associations for marketing and promotion purposes.

For the 2014-15 Budget, the amounts indicated in the table below will form part of the proposed Budget. These have been developed in consultation with the five associations, their members and the Unley Business and Economic Development Committee.

The Unley Business and Economic Development Committee met on 16 April 2014 (Item 22/14) and made recommendations to Council for these separate rates which form part of this Draft Annual Business Plan community consultation.

### Current Year Rate Increase

<table>
<thead>
<tr>
<th>Main Street Trader Associations</th>
<th>Separate Rate raised 2013-14</th>
<th>Proposed Separate Rate 2014-15</th>
<th>% Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unley Road</td>
<td>$ 96,000</td>
<td>$ 96,000</td>
<td>0.0</td>
</tr>
<tr>
<td>King William Road</td>
<td>$133,000</td>
<td>$140,000</td>
<td>5.3</td>
</tr>
<tr>
<td>Goodwood Road</td>
<td>$ 45,000</td>
<td>$ 55,000</td>
<td>22.2</td>
</tr>
<tr>
<td>Glen Osmond Road</td>
<td>$ 18,355</td>
<td>$ 18,355</td>
<td>0.0</td>
</tr>
<tr>
<td>Fullarton Road</td>
<td>$ 13,000</td>
<td>$13,000</td>
<td>0.0</td>
</tr>
</tbody>
</table>

All separate rates will be further considered by Council when it reviews outcomes of the Draft Annual Business Plan community consultation at its June workshop.

### Natural Resource Levy

The City of Unley falls within the Central Group of the Adelaide and Mount Lofty Ranges Natural Resource Management (NRM) Board. Council is required, under the Natural Resources Act, to contribute towards the funding of the NRM Board and operates as a revenue collector for the Board by imposing a levy against properties.

Council will collect $1,089,598 in 2014-15 on behalf of the NRM Board compared to $1,073,480 in 2013-14. This is an increase of 1.5% to ratepayers in the City of Unley.

Council does not retain this revenue, or determine how the revenue is spent.

### Fees & Charges Context

Section 188 of the Local Government Act 1999 provides the legal context:

- fees and charges are determined by resolution of council either as a direct resolution or by by–law or via delegation
- a council is unable to fix or vary fees or charges prescribed under other Acts
- in respect of fees for the use of facilities, services or works requests a council need not fix fees or charges by reference to the cost of the council
• council is required to keep the list of fees and charges on public display and provide updates where fees and charges are varied during the year.

Council reviews its fees and charges each year, in conjunction with the development of the annual budget. As in previous years, a comprehensive review has been undertaken to ensure that the fees proposed:

• reflect (or move progressively toward) the cost of the services given
• are comparable with market rates, where appropriate
• take into account benefit derived by users of community facilities
• are consistent with Council directions articulated through existing policy or plans
• are consistent with Council’s Long Term Financial Plan assumptions

Generally, this has resulted in proposed fee increases that are in line with Local Government Price Index, insofar as this is practicable.

**Consultation**

The Draft Annual Business Plan 2014-15 is presented in the context of strategic directions for the City that have been endorsed by Council. The Plan reflects Council’s continuing focus on ensuring that the physical infrastructure of the City is fit for use and maintained in a cost effective fashion.

With implementation of this year’s Annual Business Plan, Council aims to deliver a well-managed, sustainable environment for current and future generations of residents and ratepayers.

The City of Unley is seeking your input to the development process of this budget through a public consultation process.

The process provides you with the opportunity to have your say on the level of service and the activities undertaken by Council before the final budget is adopted in June 2014.

We encourage you to take part and we look forward to your input.

You can make a submission by:


Writing a submission and sending it to: 2014-15 Budget Consultation
City of Unley
PO Box 1
Unley SA 5061

Emailing your submission to: pobox1@unley.sa.gov.au

You are also invited to attend a community information session on 28 May 2013 at 5.30 pm in the Goodwood Community Centre, 32-34 Rosa Street Goodwood.
### Appendix 1 – Proposed Operating Projects

<table>
<thead>
<tr>
<th>Primary Strategy</th>
<th>Title</th>
<th>Expenditure $</th>
<th>Income $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emerging</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unley Central</td>
<td>80 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Main Street Digital Economy Strategy</td>
<td>150 000</td>
<td>25 000</td>
</tr>
<tr>
<td></td>
<td>Commence an improved streetscape for Goodwood Road including the undergrounding of the power lines between the tram crossing and Mitchell Street</td>
<td>300 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Living</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>St Chad's Community Garden Outreach - Community Open Space</td>
<td>4 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Ridge Park 5 year improvement plan</td>
<td>20 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Goodwood Oval/ Millswood Sporting Complex Improvement Plan-Design Documentation</td>
<td>50 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2014/15 Events Program</td>
<td>90 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Unley Gourmet Gala</td>
<td>259 000</td>
<td>46 000</td>
</tr>
<tr>
<td></td>
<td>Tour Down Under</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Event Service Model Review</td>
<td>10 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Greening</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community fruit trees in parks</td>
<td>5 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Goody Patch Community Garden Enhancement - continuing partnership with Goodwood Primary School</td>
<td>5 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Second Generation Street Tree Strategy</td>
<td>40 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>CRC Water Sensitive Cities</td>
<td>10 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Cromer Parade Landscape Reinvigoration Project</td>
<td>20 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Heywood Park - Tree Risk Assessment Implementation</td>
<td>50 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Organisational Excellence</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Government Elections 2014 (including Induction)</td>
<td>$171 600</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Customer Service Framework</td>
<td>77 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$1 366 600</td>
<td>$71 000</td>
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<tr>
<td><strong>Net Operating Projects</strong></td>
<td></td>
<td>$1 295 600</td>
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</table>
## Appendix 2 – Proposed Capital Works Program

### Draft New Capital 2014-15

<table>
<thead>
<tr>
<th>Primary Strategy</th>
<th>Title</th>
<th>Expenditure $</th>
<th>Income $</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emerging</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Implementation of Public Lighting &amp; Energy Opportunities</td>
<td>40 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Randolph Ave Streetscape Stage 2</td>
<td>250 000</td>
<td>125 000</td>
</tr>
<tr>
<td><strong>Living</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Art Strategy Implementation-Pilot Projects</td>
<td>20 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Greenways Cycle Route Public Art</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Unley Oval Upgrade including Communication</td>
<td>95 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Moving</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glen Osmond Creek Shared Use Path – Options for Connection to Simpson Parade and ‘Beyond’</td>
<td>10 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Local Area Traffic Management Study</td>
<td>40 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Traffic Control Devices</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Implementation of Local Area Traffic Management Studies</td>
<td>50 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Greening</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refunding Street Tree Watering Well Program</td>
<td>24 000</td>
<td>-</td>
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<tr>
<td></td>
<td>Living Streets Demonstration - Shared Road - Oxford Terrace 2015-16</td>
<td>40 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Stage 2 of improvement works at Forestville Reserve</td>
<td>70 000</td>
<td>70 000</td>
</tr>
<tr>
<td></td>
<td>Irrigation Managed Aquifer Recharge (MAR) Connection</td>
<td>75 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Brown Hill Keswick Creek</td>
<td>1 643 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Organisational Excellence</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asset Management System</td>
<td>450 000</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Project Delivery Costs including Overheads</td>
<td>209 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$3 066 000</td>
<td>$195 000</td>
</tr>
<tr>
<td><strong>Net New Capital</strong></td>
<td></td>
<td>$2 871 000</td>
<td></td>
</tr>
</tbody>
</table>
### Appendix 3 - Draft Replacement Capital Summary 2014-15

<table>
<thead>
<tr>
<th>Asset Category</th>
<th>Expenditure $</th>
<th>Income $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridges</td>
<td>200 000</td>
<td>-</td>
</tr>
<tr>
<td>Buildings</td>
<td>900 000</td>
<td>-</td>
</tr>
<tr>
<td>Bus Shelters</td>
<td>82 000</td>
<td>32 000</td>
</tr>
<tr>
<td>Car Parks</td>
<td>40 000</td>
<td>-</td>
</tr>
<tr>
<td>Drains &amp; Stormwater</td>
<td>250 000</td>
<td>-</td>
</tr>
<tr>
<td>Footways*</td>
<td>1 195 000</td>
<td>-</td>
</tr>
<tr>
<td>IT Equipment</td>
<td>479 000</td>
<td>-</td>
</tr>
<tr>
<td>Kerb &amp; Water</td>
<td>420 000</td>
<td>-</td>
</tr>
<tr>
<td>Office Furniture and Equipment</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td>Plant and Equipment</td>
<td>1 140 000</td>
<td>323 000</td>
</tr>
<tr>
<td>Public Toilets</td>
<td>45 000</td>
<td>-</td>
</tr>
<tr>
<td>Reserves / Recreation and Open Space**</td>
<td>490 000</td>
<td>-</td>
</tr>
<tr>
<td>Roads***</td>
<td>1 450 000</td>
<td>200 000</td>
</tr>
<tr>
<td>Signs</td>
<td>15 000</td>
<td>-</td>
</tr>
<tr>
<td>Street lighting</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td>Streetscape</td>
<td>75 000</td>
<td>-</td>
</tr>
<tr>
<td>Swimming Facility</td>
<td>80 000</td>
<td>-</td>
</tr>
<tr>
<td>Traffic Facilities</td>
<td>25 000</td>
<td>-</td>
</tr>
<tr>
<td>Project Delivery Costs including Corporate Overhead</td>
<td>555 000</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7 491 000</strong></td>
<td><strong>555 000</strong></td>
</tr>
<tr>
<td><strong>Net Replacement Capital</strong></td>
<td><strong>$6 936 000</strong></td>
<td></td>
</tr>
<tr>
<td>Street Name</td>
<td>Street Side</td>
<td>Suburb</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Valmai Ave</td>
<td>both</td>
<td>Kings Park</td>
</tr>
<tr>
<td>Woodhurst Ave</td>
<td>both</td>
<td>Hyde Park</td>
</tr>
<tr>
<td>Gully St</td>
<td>both</td>
<td>Hyde Park</td>
</tr>
<tr>
<td>Lynton Ave</td>
<td>South</td>
<td>Millswood</td>
</tr>
<tr>
<td>Lily St</td>
<td>both</td>
<td>Goodwood</td>
</tr>
<tr>
<td>Le Hunte St</td>
<td>north</td>
<td>Wayville</td>
</tr>
<tr>
<td>Alma Rd</td>
<td>both</td>
<td>Fullarton</td>
</tr>
<tr>
<td>Glenside Ave</td>
<td>North</td>
<td>Myrtle Bank</td>
</tr>
<tr>
<td>Barr Smith Ave</td>
<td>South</td>
<td>Myrtle Bank</td>
</tr>
<tr>
<td>Olive St</td>
<td>both</td>
<td>Parkside</td>
</tr>
<tr>
<td>Castle St, Wallis St – Wilkinson Rd</td>
<td>both</td>
<td>Parkside</td>
</tr>
<tr>
<td>Castle St, Wilkinson Rd – Fuller St</td>
<td>both</td>
<td>Parkside</td>
</tr>
<tr>
<td>Birkdale Ave</td>
<td>both</td>
<td>Clarence Park</td>
</tr>
<tr>
<td>Hammond St</td>
<td>both</td>
<td>Clarence Park</td>
</tr>
<tr>
<td>Cromer Parade</td>
<td>West</td>
<td>Millswood</td>
</tr>
<tr>
<td>Harley St</td>
<td>both</td>
<td>Hyde Park</td>
</tr>
<tr>
<td>Clarence St</td>
<td>both</td>
<td>Hyde Park</td>
</tr>
<tr>
<td>Montpelier St</td>
<td>both</td>
<td>Parkside</td>
</tr>
</tbody>
</table>

**Total** $1 195 000
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
</table>
| Mc Leay Park                  | Park fencing replacement  
BBQ settings x3  
Park light replacement         |
| Forestville Reserve           | Drinking fountain  
Various works associated with DPTI  
Rehabilitation and Stage 2  
Park signage replacement     |
| Fullarton Park                | Irrigation replacement                                                      |
| Fern Ave Reserve              | Soft fall                                                                  |
| Various parks                 | Drink fountains, bin surrounds, fencing & paths                            |
| Everard Park                  | Soft fall                                                                  |
| Wayville Reserve              | Replace park seats x 5  
Bin surround & dog bag dispenser  
Park lights upgrade  
Signage & bollards              |
| Soutar Park                   | Soft fall  
Bike rack x 2  
Replace park seat  
Park lights upgrade  
Swing seat & seesaw               |
| Morrie Harrell Reserve        | Sand pit cover  
Small rocker  
Fencing replacement             |
| Yeo Ave Courts                | Tennis court fencing  
Drink fountain  
Artificial turf area               |
| Various sites                 | Back flow prevention devices - compliance                                   |
| Street furniture              | Replacement and upgrade                                                     |

| **Total**                      | **$490 000**                                                               |
### Roads

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leicester St</td>
<td>George St</td>
<td>Castle St</td>
<td>Parkside</td>
</tr>
<tr>
<td>Leicester St</td>
<td>Castle St</td>
<td>Kenilworth Rd</td>
<td>Parkside</td>
</tr>
<tr>
<td>Joslin St</td>
<td>Young St</td>
<td>Parsons St</td>
<td>Wayville</td>
</tr>
<tr>
<td>East Ave</td>
<td>Railway Line</td>
<td>Cross Rd</td>
<td>Clarence Park</td>
</tr>
<tr>
<td>Arundel Ave</td>
<td>Cranbrook Ave</td>
<td>Lonsdale Tce</td>
<td>Millswood</td>
</tr>
<tr>
<td>Windsor Street</td>
<td>Marion St</td>
<td>Edmund Ave</td>
<td>Unley</td>
</tr>
<tr>
<td>Windsor Street</td>
<td>Edmund Ave</td>
<td>Wattle St</td>
<td>Unley</td>
</tr>
<tr>
<td>Victoria Ave</td>
<td>Northgate St</td>
<td>Cross Rd</td>
<td>Unley Park</td>
</tr>
<tr>
<td>Highgate St</td>
<td>Fisher St</td>
<td>Cross Rd</td>
<td>Fullarton</td>
</tr>
<tr>
<td>Grove Ave</td>
<td>Northgate St</td>
<td>Cross Rd</td>
<td>Unley Park</td>
</tr>
<tr>
<td>Leader St (Design)</td>
<td>Anzac Hwy</td>
<td>Railway Crossing</td>
<td>Goodwood</td>
</tr>
<tr>
<td>King William Rd</td>
<td>Various</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crack sealing various roads</td>
<td>Various</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total Income (Special Local Roads) | $1 450 000 |
| Net | $1 250 000 |
|      | $200 000   |
Appendix 4 – Rates Assistance Available

Rebate of Rates – Under Sections 159-165 of the Local Government Act 1999

A rebate of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the Act.

Discretionary Rebate of Rates – Under Section 166 of the Local Government Act 1999

Council has absolute discretion to grant a rebate of rates or service charges and to determine the amount of any such rebate.

Applications for discretionary rebates will be considered in accordance with the statutory provisions of Section 166 of the Local Government Act 1999. Further information should be obtained from Council Policy COU 28.

Remission (Government Concessions)

Concessions are granted under the Rates and Land Tax Remission Act 1986 and are only applicable for the principle place of residence.

- Pensioner concessions are granted to ratepayers who are holders of a current Commonwealth or State Pensioner concession card and who are owners, part owners or life tenants of the property
- Seniors concessions are granted to ratepayers who are holders of a current State Seniors card and who are owners, part owners or life tenants of the property, and who are not entitled to a concession as a Pensioner. Enquiries should also be made through Revenue SA
- Concessions for ratepayers experiencing hardship and holders of a State Government Health Care card may be entitled to a concession through the Department of Communities and Social Inclusion.

Alternative Payment Arrangements

Council provides that any ratepayer who may, or is likely to experience difficulty with meeting the standard rate payment arrangements may contact the Council to discuss options for alternative payment arrangements. Such enquiries are treated confidentially and are assessed on a case-by-case scenario.

Postponement of Rates in Cases of Hardship

In accordance with Section 182 of the Local Government Act 1999, a postponement of rates may be granted if Council is satisfied that the payment of these rates would cause hardship. Council may, on application and subject to the ratepayer substantiating the hardship, consider granting a postponement of payment of rates in respect of an assessment on the condition that the ratepayer agrees to pay interest in the amount affected by the postponement at the cash advance debenture rate calculated monthly and if the ratepayer satisfies the following criteria:

- The property is the principal residence of the ratepayer and is the only property owned by the ratepayer, and
- The property has been owned by the ratepayer and has been their principal residence for more than five years, and
• The ratepayer is able to produce one of the following identification cards
  o Pensioner Concession Card – Centrelink
  o Pensioner Concession Card – Veterans Affairs
  o TPI Card – Veterans Affairs, or
• Can demonstrate to Council they are a self-funded retiree with a household income of less than $30 000 per year.

All applications for postponement of rates will be assessed on a case-by-case basis and are not contingent on the level of increase in rates payable. All such enquiries and submissions will be treated confidentially.

**Postponement of Rates for Seniors**

In accordance with Section 182A of the Local Government Act 1999, a person may apply to Council for a postponement of the payment of the prescribed proportion of rates for the current or future financial year. Council may, on application and subject to the ratepayer meeting the criteria, postpone payment of a proportion of rates in respect of an assessment on the condition that the ratepayer agrees to pay interest on the amount affected by the postponement at the cash advance debenture rate calculated monthly and if the ratepayer satisfies the following criteria:

The person is a prescribed ratepayer, or is the spouse or domestic partner of a prescribed ratepayer, and

• The ratepayer or their spouse hold a State Seniors Card, and
  o The property is owned and is the principal place of residence of the State Seniors Card holder and/or spouse (that is, the property is lived in most of the time), and
  o If the ratepayer has a registered mortgage on the property prior 25th January 2007, or has over 50% equity in the property, and
  o That no person other than the Seniors Card holder and/or his/her spouse has an interest as an owner in the property.

• If a person has applied for the benefit of a postponement of rates under section 182A and an entitlement to a postponement ceases to exist, the owner of the land must, within 6 months from the day in which the entitlement ceased, inform the council in writing of that fact (unless the liability to the relevant rates has been discharged). Failure to do so could lead to a maximum penalty of $5 000.

• Where an amount is not paid in accordance with the general rate notice but is capable of being the subject of a postponement (eg. in excess of the prescribed amount $500) under section 182A of the Local Government Act it will be taken to be subject to postponement under that section.

• Prescribed interest is applied to the amount of rates postponed, which is charged and compounded monthly on the total amount postponed, until the debt is paid.

All applications for seniors’ postponement of rates will be assessed on a case by case basis. All such enquiries and submissions will be treated confidentially.
Purpose

To provide the Audit and Governance Committee with an update of the Internal Audit tender.

Recommendation

Moved:
Seconded:

That:

1. The report be received.

Background and Discussion

As members of the Audit and Governance Committee are aware, a tender process is being undertaken by ERA member councils to engage an appropriate firm to deliver internal audit services. Unfortunately there have been delays in the tender going to market and the likelihood is that it may not be distributed for another month. This delay, while unavoidable, isn’t ideal given the external auditors (BDO) will be testing our financial internal controls as part of the 2013/14 financial year audit process.
To overcome the delay and continue progressing internal control activity, Administration have engaged Creative Auditing on a short-term basis to test our core controls against the Deloitte internal controls framework.

Creative Auditing has been working with other councils on internal controls and also undertakes internal audit activity for Centennial Park Cemetery. The core control testing has been completed and we are now awaiting a report from Creative Auditing to highlight and identify any controls that may require attention due to low or inconsistently scored activities that may lead to potential risks for council. This methodology involves testing the internal control against policy and procedure at a micro level. Feedback from Creative Auditing is expected to be available early May 2014.

I anticipate the engagement of Creative Auditing will be a short term solution that will enable us to establish any “control gaps” and take appropriate mitigation measures until such time as the tender arrangements and appointment of internal auditors are finalised.

CONCLUSION

Administration will continue to keep the Audit and Governance Committee members apprised of progress in relation to the internal audit tender process, as well as outcomes from the core controls testing against the Deloitte framework.
DECISION REPORT

REPORT TITLE: REVIEW OF DISPLAY OF PETITIONS WITHIN COUNCIL FACILITIES POLICY AND LODGING A PETITION AND DEPUTATION INFORMATION SHEETS

ITEM NUMBER: 90
DATE OF MEETING: 21 MAY 2014
AUTHOR: REBECCA WILSON
JOB TITLE: MANAGER GOVERNANCE AND RISK
RESPONSIBLE OFFICER: STEPHEN FAULKNER
JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE
COMMUNITY GOAL: O5.3 GOOD GOVERNANCE AND LEGISLATIVE FRAMEWORK
ATTACHMENTS: 1. DRAFT REVISED PETITIONS POLICY 2. LODGING A PETITION INFORMATION SHEET 3. DEPUTATION INFORMATION SHEET

PURPOSE

To provide the Audit and Governance Committee with a Draft Revised “Display of Petitions within Council Facilities” Policy and accompanying “Lodging of Petitions” Information Sheet and “Making a Deputation” Information Sheet to recommend to Council.

RECOMMENDATION

MOVED: SECONDED:

That:

1. The report be received.

2. The “Display of Petitions within Council Facilities” Policy and information sheets as attached be endorsed to go to Council.
BACKGROUND

Council has an existing policy in place for the Display of Petitions within Council Facilities and an existing “Lodging a Petition” Guidelines which is displayed on the website. These assist the members of the public to know how to go about informing Council about their concerns and the legal basis and principles that govern petitions. There are however no guidelines for requesting a deputation or guidelines and the processes that take place once a request is made.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community consultation on this matter.

DISCUSSION

The Local Government (Procedures at Meetings) Regulations 2013 (“Regulations”) came into effect on the 1 January 2014 with amongst other changes, amendments to how petitions must be structured when submitted to Council.

With the current Policy Review already commencing, this became an opportune time to review the Council Policy for “Display of Petitions within Council Facilities”, update the “Lodging a Petition” information contained on the website and also prepare an information sheet for the public on how to request a Deputation and the process that occurs once this is lodged.

The Petition and Deputation Information Sheets have also been updated and designed so that they can be formatted for the website so the public can utilise the hyperlinks to go to legislation, policies and download the information and required templates.

The updates to the information sheets to now align with legislation and templates will ensure Council is compliant with the changes to the Regulations and also enable consistency for petitions that are lodged with Council.

The information sheets will also enable the public to know what is required when making an application and the process that follows once lodged. This provides transparency and accountability.

ANALYSIS OF OPTIONS

Option 1 – The Committee endorse the revised “Display of Petitions within Council Facilities” Policy and attachments to go to Council

The revised “Display of Petitions within Council Facilities” Policy will ensure that the Policy is compliant with the legislation and the updated information sheets will provide the public with current requirements.
Option 2 – The Committee endorse the revised “Display of Petitions within Council Facilities” Policy and attachments to go to Council with amendments.

This Option agrees with Option 1 above but also allows the Committee, should they see a need, to make changes to the revised Policy.

RECOMMENDATION

Option 1 is the preferred option.

CONCLUSION

With the current Policy Review being undertaken and recent updates to the Regulations especially surrounding Petitions, the “Display of Petitions within Council Facilities” Policy was required to be reviewed, along with the current “Lodging a Petition” information contained on the City of Unley website. This also provided an opportune time to create a Deputation Information sheet for the public to assist them in making Deputations and the processes that follow.
Display of Petitions within Council Facilities

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<thead>
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<th>Policy Type:</th>
<th>Council Policy</th>
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</thead>
<tbody>
<tr>
<td>Reference Number:</td>
<td>COU7</td>
</tr>
<tr>
<td>Responsible Department:</td>
<td>Corporate ServicesPeople &amp; Governance</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>General Manager People &amp; Governance</td>
</tr>
<tr>
<td>Legislation:</td>
<td>Local Government (Procedures at Meetings) Regulations 2000-2013 – Part 2, Division 2, Section 104</td>
</tr>
<tr>
<td>Relevant Delegations:</td>
<td>N/A</td>
</tr>
<tr>
<td>Related Policies and Procedures</td>
<td>N/A</td>
</tr>
<tr>
<td>Community Goal:</td>
<td>GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity. 1.6 Providing opportunities for people of all ages and abilities to participate meaningfully in community life O5.3 Good governance and legislative framework</td>
</tr>
<tr>
<td>Previous Policy Number:</td>
<td>87</td>
</tr>
<tr>
<td>Council Resolution:</td>
<td>Item 809 22 May 2006</td>
</tr>
<tr>
<td></td>
<td>Item 306 CSP 19 April 2010</td>
</tr>
<tr>
<td></td>
<td>Item 108 CSP 14 May 2012</td>
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<tr>
<td></td>
<td>Item 420 C 28 May 2012</td>
</tr>
<tr>
<td>Date Adopted:</td>
<td>May 20163</td>
</tr>
<tr>
<td>Review Date:</td>
<td>May 20163</td>
</tr>
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</table>

1. **POLICY STATEMENT**

This policy provides direction in relation to the display of petitions by private individuals or groups in Council facilities for the purposes of obtaining signatures of support from members of the public.
2. **PRINCIPLES**

This policy is based on the principles that:

- Individuals and groups in the community should have the freedom to express their views and solicit support for the views.
- Council facilities are accessible to a wide cross section of the community.
- Presentation of petitions to government and civic authorities is a legitimate activity which underpins the democratic process of government.
- Council will not display Petitions that contravene prevailing laws such as anti-discrimination.

3. **POLICY OBJECTIVES**

Through the implementation of this policy Council will:

- Support freedom of expression.
- Facilitate the effective functioning of the democratic process within the Unley community.

4. **DEFINITIONS**

**Petition**: A written document of protest that requests some action be taken by the target of the petition. A petition normally contains a statement of concern or grievance and is signed by citizens or groups ([www.parliament.vic.gov.au](http://www.parliament.vic.gov.au)). A petition is considered by Council to be a public document.

5. **PROCEDURES**

Refer to Council’s [Petition Submission Process and Template](#) for details on how to format and submit a petition and how it will be handled by Council. Further information can also be found in the [Local Government (Procedures at Meetings) Regulations 2013](#) (‘The Regulations’) and [Code of Practice – Procedures at Meetings](#).

**Authorisation to Approve Display of Petitions**

When a legibly written petition is received by a Council officer for display in any Council facility, approval must be sought from the Manager Governance & Risk to display the petition in the facility.

The written petition must clearly set out the request or submission of the petitioners and will only be received at the Unley Civic Centre, 181 Unley Road, Unley.

The Council will manage petitions in accordance with Regulation 410 of the [Local Government (Procedures at Meetings) Regulations 2000](#) which also provides for the submission of petitions to Council or a Council Committee by private individuals and groups.

---

Comment [RW1]: Insert Hyperlink

Comment [RW2]: Hyperlink to be inserted when Code of Practice updated by Council.
Petitions that contain certain material will not be accepted and petitioners will be provided with an explanation of why this has occurred. Any one of the following criteria will be cause for a petition to be rejected:

- Containing abusive language.
- Containing remarks that could be deemed defamatory towards a person or entity.
- Unclear in their message.
- Not legible.
- Seek to encourage illegal activity.
- Is contradictory to any Council plan or policy.

The relevant Council Officer will be responsible for preparing a report to the next available Council meeting detailing the following:

- Summary of the petition.
- The number of signatures.
- Factual information in relation to the issue and intent of the position (such as the number of residents compared to non-residents, those that live on a particular road etc).
- The name of the person coordinating a response to the position.
- Any supporting information to assist Council and/or Committee members in assessing the petition such as site plans, photos etc.

Petitioners may address Council or a Council Committee regarding a petition via the deputation process. Requests for a deputation must be in writing addressed to the Chief Executive Officer. Such requests will be considered by the Mayor (for Council meetings) or the Presiding Member (for Council Committee Meetings). Deputations will be managed in accordance with Regulation 112 of the *Local Government (Procedures at Meetings) Regulations 2000*.

Elected Members are entitled to submit a Notice of Motion to Council with regard to any petition, but such a motion must be lawful and consistent with Council policies and the *Local Government (Procedures at Meetings) Regulations 2000*.

Advice to Applicant
The applicant is to be advised on the decision in relation to display of the petition. Where the request has been denied, some explanation of the reason for not displaying the petition should be provided.

Where the petition relates to a Council policy, function or activity, the applicant should be referred to the relevant manager to ascertain if the matter can be resolved prior to establishing a petition.

Display of Petition
If approval is given, the Petition is to be displayed in a location that is accessible by members of the public utilising the facility. The following disclaimer is to be displayed prominently next to the Petition display area.

Display of Petitions Within Council Facilities Policy
“Petitions displayed in Council offices/facilities are placed here by private individuals or groups for the purposes of obtaining signatures of support. The views expressed in the Petition are not necessarily the views of the Council.”

The Petition is to have a close off date. It is the responsibility of the lodger to remove the Petition at this time. If after a further seven days the petition has not been removed, it should be removed by the relevant departmental manager or officer.
PETITIONS

The local government system is designed to give the community the opportunity to raise concerns about issues, such as traffic control in their area.

If you or a group of people would like to raise an issue with the Council, you can contact your Elected Members or the Chief Executive Officer (‘CEO’):

- By letter
- By telephone
- By email
- In person

Another way to raise these concerns is through the lodgement of a petition. This is a document containing the names, signatures and addresses of a group of people who have a common cause to present to Council.

As petitions are regarded as a legitimate form of communication with the Council, it is incumbent upon petitioners to ensure certain procedures are followed. Following are some guidelines to assist you in this process.

Petitions concerning Development Applications are handled differently under the Development Act and are outlined further in this document.

Submitting a petition

Step 1

View the Local Government (Procedures at Meetings) Regulations 2013 to find out how to format your petition and how it will be handled by Council. The Code specifies that each page of the petition must:

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners (at the top of the page); and

(c) show the name of each person printed with their signature and address; and

(d) be addressed to the council and delivered to the Civic Centre.

Step 2

Prepare your petition using our petition template Guidelines for Lodging a Petition

Petition Submission Process and Template
and distribute it to the community.

**Step 3**

Provide a covering letter with the petition detailing the name, address and contact details of the Head Petitioner(s) to whom we can address correspondence.

Other requirements include:

1. The petition should be in the English language (or be accompanied by a translation and certified as such by a host petitioner)
2. The petition must be signed personally by every petitioner unless a Power of Attorney exists.
3. Photocopies or signatures pasted on to the petition are unacceptable.
4. Corporations must be signed under Seal.
5. No letters or affidavits or other document(s) can be attached.
6. The wording should not be disrespectful to the Council or of individuals and generally should be temperate in tone.
7. The original copy of each page of the petition must be provided to Council.

**Step 4**

Submit the petition to Council by lodging with the CEO at the Councils' Civic Centre Offices, 181 Unley Road, Unley, no later than 5 clear days before a Council meeting.

**After your petition is received by Council**

Once the petition is received by the CEO, Administration will arrange for it to be tabled at the beginning of the next available Council meeting with a short report indicating the number of signatures and a suggested course of action.

In certain circumstances, the CEO may convey the document informally to Elected Members so they are aware of its existence before the Council meeting.

Members of the public are welcome to attend all Council and Section 41 Committee meetings but cannot participate in the debate at these meetings.

You are able to submit a deputation, which is a verbal way of presenting an issue to the notice of all Elected Members at a Council meeting. Details on how to submit a deputation can be found on our website. (insert hyperlink)

**Notification of the outcome**

The relevant manager will contact you about the status of your petition once a recommendation is made by the Council.
Petitions on Development Assessment Matters

There is no specific provision for the lodging of petitions as such under the Development Act. A petition relating to a Development Application is treated as a “representation” before the Development Assessment Panel. The host petitioner is entitled to address the Panel upon the matter, in accordance with the Development Act.

In these cases the petition/representation should be addressed to the “Presiding Officer and Members of the City of Unley Development Assessment Panel” and must be lodged with the Chief Executive Officer. To be treated as a “representation” a document must meet the criteria in Section 38 and Regulation 35 of the Development legislation viz. it must:

- Be received within the advertised period of the Development Application;
- Give the names and addresses of the people making the representation;
- Nominate the person who is to be taken as making the representation (if no individual is named, the first person listed will be taken to be making the representation);
- Set out with reasonable particularity, the reasons for the representation i.e. give details of the petitioners’/representors’ views concerning the Development Application in question; and
- Indicate whether or not the person(s) making the representation wish(es) to be heard by the Development Assessment Panel.

Display of Petitions within Council Facilities

Please refer to the “Display of Petitions within Council Facilities” policy COU7.

More information

Civic Centre
181 Unley Road
Unley SA 5061

Telephone: (08) 8372 5111
Email: pobox1@unley.sa.gov.au
Website: www.unley.sa.gov.au
(Template)

PETITION

To the Mayor and Councillors of the City of Unley

Part 1.
Petition contact person: __________________________________________________________
Telephone Number: ______________________________________________________________
Address: _______________________________________________________________________

Part 2.
The petition of (identify the individuals or group, e.g. Resident of the City of Unley)
________________________________________________________________________________
________________________________________________________________________________

Part 3.
Draws the attention of the Council to (identify the circumstances of the case)
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________

Part 4.
The petitioners therefore request that the Council (outline the action that the
petitioners are requesting Council should or should not take)
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
**PETITION**

Part 5

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<th>Name (print)</th>
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*Attach additional sheets if necessary and use the same format as this page*
Continued

PETITION

Should your petition be continued over additional sheets, identify the circumstances of the case (Repeat Part 3 from Page one) on each page.

<table>
<thead>
<tr>
<th>Name (print)</th>
<th>Address</th>
<th>Signature</th>
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Attach additional sheets if necessary and use the same format as this page
DEPUTATION INFORMATION SHEET

A deputation is a verbal way of presenting an issue to the notice of all Elected Members at a Council meeting. This can be a particular matter of concern to either an individual or a group of people.

It is undertaken in accordance with the Code of Practice- Procedures at Meetings and the Local Government (Procedures at Meetings) Regulations 2013.

Making a request

If you or a group of people (maximum of three people) want to make a deputation, you must deliver to the Civic Centre, a written request to the Council or by completing all the details on the Deputation Request Form. Either the written request or form should be lodged with the Council’s Chief Executive Officer at least 5 clear days before the meeting at which you wish to speak.

Submit your deputation request to Council to:

City of Unley
Civic Centre
Attn: Chief Executive Officer
181 Unley Road
Unley SA 5061

You are required to provide sufficient information regarding the issue and indicate the preferred meeting at which you would like to be heard. The details you supply should be clear in stating the topic upon which you speak to the Council or Council committee about. The topic you specify MUST be relevant to matters for which the Council or Committee has responsibility.

To determine what topics are going to be scheduled at any forthcoming Council or Committee meeting you can either access the Council website to view agendas or by contacting Council on (08) 8372 5111.

What happens with your request?

Once your deputation request is received by the Chief Executive Officer, it will then be provided to the Mayor (or the Presiding Member of the Committee if the deputation request relates to the Council Committee).

The Mayor or Presiding Member will then confer with the Chief Executive Officer and advise the Mayor or Presiding Member whether or not the deputation is allowed. Council will then contact you to advise the outcome of your deputation request, and if you are permitted to speak and confirm the date and time of the relevant meeting.
If consent for a deputation is refused by the Mayor or Presiding Member, it must be reported at the next Council or Committee meeting. The Council or Committee does have the power to allow you to make a deputation even though the Mayor or Presiding Member had initially refused your request.

**Making your deputation**

Once you have received confirmation that your request has been granted, you are ready to attend a Council or Committee meeting.

Your deputation will commence approximately five to ten minutes following the opening of the meeting at 7.00pm (this cannot be guaranteed).

The Mayor or Presiding Member will invite you to come forward and make your deputation on the topic or issues which you have nominated.

You will be asked to state your name which will be recorded in the minutes of the meeting.

You and other representors will have five minutes in total to present your deputation.

If you have briefing notes, handouts or an electronic presentation to assist in your deputation to the Council or Committee, they will be included in or appended to the minutes of the meeting.

After you have made your deputation, Elected Members will be invited to ask you questions for a total of five minutes.

You are expected to conduct yourself in a professional manner at the level of formality appropriate to the meeting. You are to refrain from making defamatory or derogatory comments and any comments that are criticism of Council members or Council staff must not be made during the deputation. Council and Committee meetings are open to the public and there are no privileges protecting you in relation to defamation. Any matters of concern regarding Council Members and Council staff can be raised formally in writing with the Chief Executive Officer or as per the Complaints Handling procedures.

Representors cannot participate in the debate or ask any questions of Council.

Members of the public are welcome to attend all Council and Section 41 Committee meetings but cannot participate in the debate at these meetings.
DEPUTATION REQUEST FORM

Please complete this request and return to the City of Unley at least 5 clear days prior to the Council or Committee meeting at which you wish to be heard.

To: The Chief Executive Officer

I/We hereby request to be heard at the next meeting of (tick the preferred/appropriate box):

- □ Council on / / 
- □ Council Committee on / /

Specify name of committee: ______________________________

Given Name: ______________________________

Surname: ______________________________

Address: ______________________________

Contact phone number: ______________________________

Email: ______________________________

I will be speaking:

On my own behalf: □ Yes □ No

OR

As the spokesperson of a group of persons? □ Yes □ No (limit of 3 people)

Given name of 2nd speaker: ______________________________

Surname: ______________________________

Address: ______________________________

Contact phone number: ______________________________

Email: ______________________________
Given name of 3rd speaker: ____________________________

Surname: ____________________________

Address: ____________________________________________

Contact phone number: ____________________________

Email: ____________________________

If you are speaking as a spokesperson, who or what group are you representing?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

If the group has a set of Rules by which the group is governed, please provide a copy of these.

The topic or issue I wish to speak about is: (Please give sufficient details of the matter to enable consideration of your request for a deputation)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I have read and understood the Deputations Information Sheet and acknowledge that I must comply with the procedures and guidelines:

Signed: ____________________________

Dated: ____________________________

Once completed, please return to the City of Unley, either in person, or by post, facsimile or email pobox1@unley.sa.gov.au

Office Use Only

Received (date and time): / / at ____________________________am/pm

Acknowledged by Presiding member (council or Committee) initial and date:___________ / /

Acknowledged by Governance Manager (initial and date):___________________ / /

Approved: ☐ Yes ☐ No

Meeting date: / / Deputation time:__________________________

Deputee notified: ☐ Yes ☐ No ☐ In writing ☐ Verbally Date notified: / /
DECISION REPORT

REPORT TITLE: SEEKING LEGAL ASSISTANCE/ADVICE POLICY
ITEM NUMBER: 91
DATE OF MEETING: 21 MAY 2014
AUTHOR: REBECCA WILSON
JOB TITLE: MANAGER GOVERNANCE AND RISK
RESPONSIBLE OFFICER: STEPHEN FAULKNER
JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE
COMMUNITY GOAL: O5.3 GOOD GOVERNANCE AND LEGISLATIVE FRAMEWORK
ATTACHMENTS: 1. DRAFT SEEKING LEGAL ASSISTANCE POLICY
                 2. DRAFT SEEKING LEGAL ASSISTANCE PROCEDURE

PURPOSE

To provide the Audit and Governance Committee with a draft “Seeking Legal Assistance/Advice” Policy and Procedure to enable guidelines when Seeking Legal Assistance/Advice as a Mayor, Elected Member, Chief Executive Officer (CEO) or member of the administration and for the Audit and Governance Committee’s recommendation to Council for endorsement.

RECOMMENDATION

MOVED: SECONDED:

That:

1. The report be received.

2. The “Seeking Legal Assistance/Advice” Policy and annexures as attached be endorsed.

BACKGROUND

At present, Council does not have a policy, procedure or guidelines in place for the Seeking of Legal Assistance or Advice. The CEO is automatically responsible under the Act for the implementation of lawful Council decisions.
and for the overall administration and budget management of Council and therefore obtaining of legal advice.

With the recent introduction of ICAC, increasing legal costs to Council and the LGA’s establishment of an internal Legal Resource, the need for guidelines and procedures on when and how to seek legal assistance and whether costs are covered by Council for all roles/positions within Council is required to ensure maladministration is mitigated.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community consultation on this matter.

DISCUSSION

In recent years, the Local Government Association (LGA) has published Model Policies for the Seeking of Legal Advice for the Mayor and Elected Members and the CEO is automatically responsible under the Act for the implementation of lawful Council decisions and for the overall administration and budget management of Council and therefore obtaining of legal advice.

There are presently no guidelines in place for situations which may arise whereby it is not suitable for the Administration or the Mayor or Elected Members to rely on the CEO to seek legal assistance or advice.

The LGA has recently advertised for an experienced lawyer to assist the LGA in providing a suite of legal advisory services to Councils. It is unclear how this role will liaise with Councils and whether the LGA will prepare a model policy on this matter. The Council policy and procedures have been prepared in the interim until this is resolved.

Pursuant to section 78A of the Local Government Act 1999 (“Act”), the draft policy is designed to set out the Council’s position in relation to circumstances in which the Mayor, Elected Members and the Administration will be authorised to seek legal advice independent of the CEO from an external legal service provider. It will include procedures to be followed along with a checklist to ensure that any advice/assistance sought:

- has not previously been obtained or is information already known to Management
- that the advice is necessary
- confirmation as to whether Council will cover costs (subject to the procurement policy), and
- confidentiality and professional legal privilege factors have been considered.
By implementing this policy, it is envisaged that this will assist parties to know when advice can be sought, draft requests so that the correct advice can be obtained in a succinct manner, prevent costs being incurred unnecessarily and assist the Administration to know how to deal with the advice once it is received from an external legal service provider.

ANALYSIS OF OPTIONS

Option 1 – The Audit and Governance Committee endorse the “Seeking Legal Assistance/Advice” Policy and annexures for Council’s adoption

The “Seeking Legal Assistance/Advice” Policy will provide the Council and the Administration with guidelines to obtaining legal advice or assistance in a cost effective and co-ordinated method.

Option 2 – The Audit and Governance Committee not endorse the “Seeking Legal Assistance/Advice” Policy and annexures for Council’s adoption.

In the absence of a policy, there have been examples of inconsistent processes, inappropriate access to legal resources, and duplication of requests for legal advice resulting in inefficiency and unnecessary costs. The draft policy and associated procedure seek to remedy this.

RECOMMENDATION

Option 1 is the preferred option.

CONCLUSION

As the Council does not currently have a policy or procedure in place for the seeking of legal assistance/advice, as part of the policy review, introduction of the LGA legal advisory services and with the introduction of new legislation and changes to current legislation, this is an opportune time to introduce a policy, procedure and checklist for the obtaining of legal advice/assistance.
Seeking Legal Assistance/Advice Policy

Policy Type: Council Policy
Responsible Department: People & Governance
Responsible Officer: General Manager People & Governance
Related Policies and Procedures: Seeking Legal Assistance Procedure (TBA) Code of practice for access to meetings and documents
Date Adopted: May 2014
Last Council Review: N/A
Next Review Date: February 2017
ECM Doc Set ID:

1 POLICY STATEMENT
As a general rule, any legal advice obtained on behalf of Council will occur through the CEO or be authorised by the CEO or a Council resolution. There may be limited circumstances where it is not appropriate or not possible for a Council to obtain legal advice through the CEO. This policy sets out Council’s position in these circumstances.

2 COMMUNITY GOAL
O5.3 good governance and legislative framework

3 POLICY OBJECTIVES
Pursuant to s78A of the Local Government Act 1999 (“Act”), this policy is designed to set out Council’s position in relation to the circumstances in which the Mayor, Elected Members and the Administration are authorised to seek legal advice independently of the CEO from an external legal service provider.

4 PRINCIPLES
A CEO of a Council is responsible for the implementation of lawful Council decisions and for the overall administration and budget management of the Council, including seeking legal advice.

Council is committed to ensuring that legal advice is sought for appropriate purposes such as to clarify ambiguity or uncertainty as to the Council’s legal rights, obligations or liabilities and ensure when advice is sought, that it has been done so by the correct process and advice received is dealt with accordingly.
All legal advice obtained is an official Council record and therefore subject to the State Records Act 1997.

5 POLICY

5.1 CIRCUMSTANCES IN WHICH IT IS APPROPRIATE FOR THE MAYOR TO SEEK LEGAL ADVICE

In circumstances in which it is not possible or appropriate for the CEO to seek legal advice, the Mayor should, ideally, seek a Council resolution to obtain legal advice. However, where this is not possible, the Mayor may seek the advice independently as set out below.

5.1.1 Urgent matters relating to a Council Meeting if the CEO is unavailable

While the CEO has a good working knowledge of Council meeting procedures, matters may arise from time to time which require an urgent legal opinion. Where legal advice is required in the absence of the CEO:

- The Mayor or a General Manager or Manager Governance & Risk, may seek legal advice in situations in which a response is required urgently, including for an imminent Council meeting or other urgent matter;
- Any legal advice obtained in this way will be reported to the Council at the earliest available meeting (which may be conducted ‘in confidence’ for this purpose under s.90 (3) (h) of the Act); and/or other grounds under S.90 (3) as appropriate to the matter being considered.
- The legal advice will also be provided to the CEO (unless this is not appropriate – see below).

5.1.2 The legal advice relates to the CEO or the exercise of the CEO’s powers

In circumstances where Council is to consider a matter related to the CEO (e.g. urgent employment related issues or where the Council is investigating a failure by the CEO to comply with a resolution of Council or where a matter relates to the exercise of a CEO’s powers) and it is the view of the Mayor that the consideration of this matter by the Council should occur with the benefit of legal advice:

- The advice will be obtained as a matter of administrative necessity by the Mayor to ensure the legality of the Council’s actions and decisions;
- The Mayor will not confer with Council staff where the legal advice relates to the CEO’s employment or other personal matter;
- The Mayor may confer with other relevant senior Council staff, such as the General Managers, Manager Governance & Risk and/or the Organisational Development Manager, if the matter concerns an issue that is not confidential to the CEO, such as a
conflict of interest matters disclosed relating to the register of interests;

- The Mayor will keep the Council fully informed of any advice obtained on behalf of the Council and advise members of the advice received at the next available meeting;
- Where the Mayor has obtained the advice other than in accordance with a Council resolution Council should, as a matter of caution, retrospectively endorse the Mayor’s decision to obtain the advice.

5.2 CIRCUMSTANCES IN WHICH IT IS APPROPRIATE FOR ELECTED MEMBERS TO SEEK LEGAL ADVICE

At times elected members may require access to legal advice in order to properly perform their functions and duties, independent of the collective body of Council. Arrangements to access this legal advice are to be made through the CEO, or in his/her absence, the General Manager People & Governance or the Manager Governance & Risk prior to seeking the advice.

5.2.1 A member may seek the support of Council through a Motion With or Without Notice for legal advice to be obtained on any matter. Where legal advice is sought in relation to a matter that is relevant to the performance or discharge of Council’s role, function and objectives, members will be provided access to the full text of the legal advice.

5.2.2 Where access to legal advice is required in relation to potential conflicts of interest that may affect individual Elected Members, arrangements MUST be made through the CEO or General Manager People & Governance.

Legal advice will be provided to elected members at the cost of Council in determining a potential conflict of interest in the course of conducting their official duties.

5.2.3 Council will reimburse legal costs for individual Elected members where:

- The proceedings relate to issues of ‘civil liability’ and therefore invoke consideration of the s.39 LGA immunity; or

- The expenditure falls within s.137, expenditure of budgeted funds of the LGA and it can be demonstrated that the legal action relates to the achievement of Council’s role, functions and objectives as described in Sections 6 to 8 of the Act and/or the elected member’s roles as set out in Section 58 or 59 of the Act. Each such case requires a Council resolution supporting the payment, which will be determined by the Council with regard to legal and merit considerations.

5.2.4 Council WILL NOT provide access to legal advice or pay for or reimburse the legal costs of individual elected members in relation to the initiation of or in defence of defamation proceedings.
5.2.5 Other requirements by individual Council members for legal advice are to be met entirely by the members themselves if prior approval has not been sought from Council or the CEO.

5.3 CIRCUMSTANCES IN WHICH IT IS APPROPRIATE FOR EXECUTIVE TO SEEK LEGAL ASSISTANCE AND/OR ADVICE

Council Administration through delegations have the ability under s.44 of the Act, to be able to seek legal advice for the daily operation of Council.

Prior to seeking legal assistance and should timeframes allow, then the Manager Governance & Risk should be contacted to ascertain whether the issue can be answered internally or if previous advice has been received on the matter.

5.4 CIRCUMSTANCES IN WHICH IT IS APPROPRIATE FOR STAFF TO SEEK LEGAL ASSISTANCE AND/OR ADVICE

Staff should not be seeking direct legal assistance without the knowledge and authorisation of their General Manager and/or direct Manager and/ or unless otherwise delegated to do so under s.44 of the Act.

Other than legal advice relating to a personal liability which is indemnified under S.121 of the Act, Council will not fund personal legal advice for a staff member.

5.5 RECORD KEEPING AND CONFIDENTIAL DOCUMENTS

Where the Mayor obtains legal advice relating to the CEO or the exercise of the CEO's powers and it is not appropriate to provide that advice to the CEO, the advice must be placed in the records management system in such a way as to ensure that it cannot be accessed by the CEO. This procedure will also apply to other documents relevant to the matter which, in the opinion of the Council, should be kept confidential.

The documents will be made password accessible and be available only to the Mayor and the General Managers, Manager Organisational Development or Manager Governance and Risk. These restricted access records will be maintained in accordance with the State Records Act 1997 and will remain subject to assessment as part of any relevant application made under the Freedom of Information Act 1991.

It is open to Council to keep confidential documents off-site with a reputable and trustworthy custodian where this option is chosen for documents that are to be kept confidential from the CEO; the relevant documents will be kept off-site until the requirement for confidentiality ceases. Council will carefully select the person or organisation to whose custody it will entrust its documents and ensure that appropriate procedures are in place to protect the integrity of those documents.

In this instance, the Mayor or his/her delegate will inform the Council's Record Management Unit of the name of the storage facility and the subject and type and number of records.

The Mayor may take advice on the appropriate option by consulting with the Local Government Association of SA (LGA) and may, where appropriate, choose to
keep the relevant documents with the LGA or Council’s legal advisors. The chosen custodian of the documents must agree to ensure the maintenance of the documents’ integrity and ensure that the documents are readily identifiable and accessible to allow their assessment as part of an application made under the Freedom of Information Act 1991. Such records remain subject to the State Records Act 1997.

6 DEFINITIONS

Legal Advice: the giving of a formal opinion regarding the substance or procedure of the law

Legal Professional Privilege: a protection from disclosing evidence which is a right that attaches to the client/Council (not to the lawyer) and so may only be waived by the client/Council.

7 LEGISLATION/REFERENCES

- Local Government Act 1999
- Code of Conduct for Council Members
- Elected Member Allowances and Benefits Policy
- Independent Commissioner Against Corruption Act 2012
- Freedom of Information Act 1991
- Code of Conduct for Council Employees
- State Records Act 1997

8 POLICY DELEGATIONS

For the purposes of this policy, the CEO, General Managers, Manager Governance & Risk are delegated pursuant to s.44 of the Act to obtain legal advice or to authorise a senior staff member to do so.

9 ROLES/RESPONSIBILITIES

Manager Governance & Risk to ensure the policy remains up to date with legislation and practices of Council.
Records Management for storage of confidential documents off site

10 AVAILABILITY

The policy is available for public inspection during normal office hours from;

Civic Centre
181 Unley Road
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council’s website, www.unley.sa.gov.au

11 DOCUMENT HISTORY
<table>
<thead>
<tr>
<th>Date</th>
<th>Council/Committee/Internal</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 May 2014</td>
<td>Audit and Governance Committee Item 2014</td>
<td>New policy for endorsement to Council</td>
</tr>
<tr>
<td>26 May 2014</td>
<td>Council Item 2014</td>
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Seeking Legal Assistance/Advice Procedure

<table>
<thead>
<tr>
<th>Procedure Type:</th>
<th>Administrative Procedure</th>
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<tbody>
<tr>
<td>Responsible Department:</td>
<td>People &amp; Governance</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>General Manager People &amp; Governance</td>
</tr>
</tbody>
</table>
| Related Policies and Procedures | Seeking Legal Assistance Policy  
                             | Code of Practice for access to meetings and documents  
                             | Procurement Policy |
| Date adopted:              | TBC                      |
| Last review:               |                          |
| Next review date:          | May 2016                 |
| ECM Doc Set I.D. number    | TBC                      |

1. **INTRODUCTION**
   This procedure has been developed to assist Administration to seek legal assistance and/or advice to ensure the provision of sound and impartial advice to Council.

2. **COMMUNITY GOAL**
   O5.3 Good governance and legislative framework

3. **PROCEDURE**

   The Seeking Legal Assistance Policy should be referred to at all times in the first instance prior to seeking any legal assistance or advice. This is to ensure that the circumstances are appropriate for a member of the Administration (other than the CEO) to be seeking advice and that due process is being adhered to including any delegation under s.44 of the *Local Government Act 1999* (‘Act’).

   Legal advice should only be sought for appropriate purposes, such as to clarify ambiguity or uncertainty as to the Council’s legal rights, obligations or liabilities. It is not appropriate to seek legal advice on how to exercise discretionary powers in relation to the merits of particular matters or to have a lawyer exercise discretion or make decisions on specific factual situations. The power to make a decision is vested in the Council (or a Council officer) and the Council or Officer must therefore make the decision after considering all the relevant facts and law.
Legal advice may appropriately be obtained to advise on the law.

**Seeking legal assistance and/or advice**

If it has been established that it is appropriate for a member of Administration to seek legal assistance or advice, before contacting a lawyer/firm, Administration should confirm:

- Is the question for which legal assistance/advice being sought able to be answered by Governance or staff specialised in the area of concern?
- Has advice already been received on the matter? (Check with relevant Manager/GM or Governance)
- Is the procurement policy being adhered too for the legal advice being sought, including whether the firm is on the panel and a current retainer is on file? Will the advice be substantial enough to require a quote be sought?
- Does the situation/circumstances the advice is being sought for require the Local Government Association Mutual Liability Scheme to be informed of any potential future pending litigation?
- Legal assistance should be sought as early as reasonably practical when a dispute arises.
- It is inappropriate and improper to seek “an opinion of convenience’ (an opinion which accords with the decision that the Council wants to make).

If it is required to proceed with seeking advice, the following processes will assist in ensuring sufficient but concise advice is received from the lawyer/firm:

1. Create a file (hard copy and ECM) and ensure all information relevant to the matter is compiled in these files.
2. Make sure the legal firm/lawyer that you are contacting for advice is on the approved panel of lawyers. (Check with Procurement) The firm as part of the retainer agreement may include a “no charge” for telephone and email advice on one-off incidental matters that do not require research or consideration of documentary material.
3. Is the firm a specialist in the area of law for which you require advice?
4. Ensure wherever possible that the lawyer is provided with written ‘instructions’. If advice is requested via telephone, ensure that telephone conversations about legal advice are properly recorded in file notes, including time, date, the issues discussed and the advice received. Also record the timing of the call so you can accurately approve the invoice for the time charged when received.
5. Ensure any instructions being given to a legal firm are comprehensive to enable the matter to be dealt with appropriately. Advise the lawyer/firm whether you are seeking a cost estimate/quote or engaging them for advice. Provide all relevant facts and materials to the lawyer/firm to enable the provision of sound and impartial advice. Include:
a) Who is seeking the advice? E.g. Administration, a particular officer, division etc. This will assist the lawyer/firm to appropriately address the response and assist with charging of the account.

b) What does the request for legal assistance relate to? E.g. Property, contract, question of law etc.

c) What is the question you are asking? What advice do you require? For instance, **’Does the CEO have the discretion to accept motions on notice that are received after the 5 clear days before the date of the Council meeting at which the motion is to be moved?’**

d) Provide a statement of events (the background) so the lawyers are aware of the events leading up to the situation if relevant. Instructions should be comprehensive but succinct. This frames the matter and helps to identify the law if you are uncertain.

e) Provide any relevant documentation (including dates if not clear on the document) such as contracts, emails, plans etc. if they are relevant and support the facts. Ensure to list them in a summary in the instructions; use bullet points.

f) What services, proposals or other response do you want the lawyer or firm to provide.

g) The timeframe you expect the advice to be delivered.

h) How you would like the advice delivered (either draft form or final, letter, email, telephone) and/or for them to contact you if they require further instructions.

i) Ensure that if further instructions are sought, whether these have been included in the original scope of works or whether additional costs will be incurred. If additional costs, request an estimate of the costs and delivery of the advice.

Be aware that anything you put in writing is subject to the Freedom of Information Act 1991 and therefore may be used later in a public arena.

Once a cost estimate is received, ensure the procurement procedure is followed prior to engaging the lawyer/firm for the advice.

**Dealing with legal advice**

Where legal advice is obtained by a Council concerning a question of law, Council should act in accordance with that advice as long as it is consistent with the public interest and is based on all relevant facts. A lawyer’s role is to provide advice on legal technical issues, not the merits of an issue.

**Confidentiality**

Confidentiality must be maintained in all relevant papers and communications. It may be necessary to mark documents “confidential”, especially if advice is being relayed in a public meeting.

Excluding the public from a meeting in order to receive, consider or discuss legal advice, consistent with the principle of legal professional privilege still requires the process to be considered of whether the meeting being conducted in a place open to
the public has been outweighed in the circumstances. This advice can be either written or oral communications for either giving or receiving legal advice.

If the legal advice received is to be reported to elected members, consider whether it can be circulated In Confidence or if it must accompany a report to Council. Any legal advice contained in a report, Section 90 (3) (h) of the Act or where there is a reasonable belief that it will proceed to litigation (not just a mere possibility) Section 90(3) (i) of the Act will become confidential.

S. 90(3) (h)

“legal advice;”

or

s.90 (3) (i)

“information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;”

Prior to releasing any legal advice received to a third party, be mindful of legal professional privilege being preserved.

Council or a Committee can waive the privilege of client confidentiality if they choose. However, legal practitioners cannot disclose any information which is confidential to Council without written permission first. However, legal practitioners cannot disclose any confidential Council information to another party without first obtaining permission from Council.

4. DEFINITIONS

Instructions
The factual material the Council has and the legal questions and issues on which Council wishes to receive advice.

Legal Advice
The giving of a formal opinion regarding the substance or procedure of law

Legal Professional Privilege
A protection from disclosing evidence which is a right that attaches to the client/Council (not the lawyer) and so may only be waived by the client/Council.

5. LEGISLATION

Local Government Act 1999
Code of Conduct for Council Members
Elected Members Allowances and Benefits Policy
Independent Commissioner Against Corruption 2012
Code of Conduct for Council Employees
State Records Act 1997
Freedom of Information Act 1991

6. DOCUMENT HISTORY

| Date: | Council/Committee/Internal | Comment: |
SEEKING LEGAL ASSISTANCE CHECKLIST

A checklist/guide to assist Council when seeking legal assistance

1. What does the request for legal assistance relate to:
   - Property
   - General
   - Governance
   - Development
   - Dispute
   - Assets & Infrastructure
   - Contracts/Agreements
   - Industrial Dispute

2. Has approval to seek legal assistance been obtained from the relevant person within Council who has delegation? □ Y □ N

   Name and position of person authorising

3. Can this question be answered internally by Management or Governance? □ Y □ N

4. Have you checked with Governance to see if advice has already been received on this matter? □ Y □ N

5. Has the procurement policy been referred to prior to seeking this advice? □ Y □ N

6. Has a quote been requested for the advice being requested? □ Y □ N

7. Does the advice require the Local Government Association Mutual Liability Scheme be informed? (Check with Manager Governance & Risk) □ Y □ N

8. When drafting a request for advice, make sure to include the following:
   a) Who is seeking the advice?
   b) What does the request for legal assistance relate to?
   c) What is the question you are asking? What advice do you require?
   d) A statement of events (the background)
   e) Provide any relevant documentation (including dates if not clear on the document) such as contracts, emails, plans etc. if they are relevant and support the facts. Ensure to list them in a summary in the instructions; use bullet points.
   f) What services, proposals or other response do you want the lawyer or firm to provide.
g) The timeframe you expect the advice to be delivered.

h) How you would like the advice delivered and/or for them to contact you if they require further instructions.

9. Has the advice been registered in ECM? □ Y □ N

10. Has a copy of the advice received been forward to Governance for compiling? □ Y □ N

11. Is the advice required to be distributed to Executive/Elected Members? □ Y □ N

12. Has Confidentiality of the advice been considered? □ Y □ N
DECISION REPORT

REPORT TITLE: AMENDMENTS TO ELECTED MEMBER TRAINING AND DEVELOPMENT POLICY
ITEM NUMBER: 92
DATE OF MEETING: 21 MAY 2014
AUTHOR: REBECCA WILSON
JOB TITLE: MANAGER GOVERNANCE AND RISK
RESPONSIBLE OFFICER: STEPHEN FAULKNER
JOB TITLE: GENERAL MANAGER PEOPLE AND GOVERNANCE
COMMUNITY GOAL: O5.3 GOOD GOVERNANCE AND LEGISLATIVE FRAMEWORK
ATTACHMENTS: 1. DRAFT REVISED ELECTED MEMBER TRAINING AND DEVELOPMENT POLICY

PURPOSE

To provide the Audit and Governance Committee with the revised “Elected Member Training and Development” Policy for comment before seeking Council endorsement of same.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.

2. That the revised “Elected Member Training and Development” Policy as attached be recommended to Council.
BACKGROUND

The “Elected Member Training and Development” Policy (the Policy) affirms the City of Unley’s commitment to provide Elected Members with training and development opportunities.

Attachment 1

It is a mandatory policy required under Section 80A of the Local Government Act 1999 (“Act”).

The Policy has been reviewed as part of Council’s on-going policy review process and with the recent legislative changes to the Act; some amendments have been made to comply with the Act.

COMMUNITY ENGAGEMENT

There is no requirement to undertake community consultation on this matter.

DISCUSSION

Section 80A of the Act states:

1. A Council must prepare and adopt a training and development policy for its members.
2. The policy must be aimed at assisting members in their performance and discharge of their functions and duties.

Due to the introduced changes of statutory provisions in the Act, updates were required to the current policy regarding wording of elections to include ‘periodic’ and remove the wording ‘supplementary’.

A periodic election is one held every four years in the month of November and a general election is one held if the Minister proclaims an election be held or if majority of council resigns and a new council is to be appointed.

A supplementary election only occurs when an elected member is to be replaced due to the position becoming vacant.

The updates to wording regarding the elections ensure that the “Elected Member Training and Development” Policy are now compliant with the Act.

ANALYSIS OF OPTIONS

Option 1 – The Audit and Governance Committee recommend that Council endorse the revised “Elected Member Training and Development” Policy.

The “Elected Member Training and Development” Policy has been reviewed by the Administration and some minor edits made to ensure
compliancy with the Act since the recent Act updates have been made to include:

- Replacement of supplementary election wording with periodic election.

Option 2 – The Audit and Governance Committee recommend that Council endorse the revised “Elected Member Training and Development Policy” with amendments.

The Committee may wish to make changes to the draft revised Policy before submission to Council for endorsement.

**RECOMMENDED OPTION**

Option 1 is the recommended option

**CONCLUSION**

To reflect legislative changes within the Act, wording regarding elections was required to be updated to the current “Elected Member Training and Development” Policy.

The revised “Elected Member Training and Development” Policy is provided to the Audit and Governance Committee for comment before seeking endorsement by Council.
**Elected Member Training and Development**

<table>
<thead>
<tr>
<th>Policy Type:</th>
<th>Council Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Number:</td>
<td>COU1</td>
</tr>
<tr>
<td>Responsible Department:</td>
<td>Corporate ServicesPeople &amp; Governance</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>General Manager People &amp; Governance</td>
</tr>
<tr>
<td>Legislation</td>
<td>Local Government Act 1999 – Section 80A</td>
</tr>
<tr>
<td>Relevant Delegations:</td>
<td>N/A</td>
</tr>
<tr>
<td>Related Policies and Procedures:</td>
<td>Elected Member Allowances and Benefits Policy (COU2)</td>
</tr>
</tbody>
</table>

**Community Goal:**

GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of government and social equity. O5.3 Good governance and legislative framework

**Council Resolution:**

- Item 351, 26 June 2006 Council Meeting
- Item 359 City Services 17 July 2006
- Item 306 CSP 19 April 2010
- Item 644 Council 27 April 2010
- Item 108 CSP 14 May 2012
- Item 420 Council 28 May 2012
- Item A&G Committee May 2014
- Item Council May 2014

**Previous Policy Number:** 109

**Date Adopted:** 28 May 2012

**Review Date:** May 2013

### 1. POLICY STATEMENT

This policy affirms the City of Unley's commitment to provide Elected Members with training and development opportunities.

### 2. PRINCIPLES

Council will develop and adopt an Elected Member Training and Development Plan and Register each year, that contributes to good governance, supports the achievement of the City of Unley Community Goal.
Plan and details all Elected Member training undertaken within a training register.

Particular emphasis will be given in the Elected Member Training and Development Plan to the needs of new Elected Members joining Council following a general or supplementary periodic election.

The Elected Member Training and Development Plan will provide the Elected Members with a range of different training and development opportunities that will enable them to engage in the decision making process and equip them with the appropriate knowledge, skills and competencies to undertake their Elected Member role.

2. POLICY OBJECTIVES

Implementation of this Policy will ensure that Elected Members:

- have equitable access to training and development activities that contribute to their professional development and the achievement of the strategic objectives of the City;
- will be appropriately reimbursed for all expenses incurred as a result of attending appropriate training and development activities or programs.

3. REFERENCES

Training and Development – A Model Policy for Council Members, Local Government Association of South Australia.

4. PROCEDURES

Elected Member Training and Development Plan

After a general or periodic election, the Administration will facilitate the development of an Elected Member Training and Development Plan for the new Elected Member body. This Training and Development Plan will be developed by the Elected Members themselves in a Workshop that will be facilitated by an appropriate person with expertise in this area.

This Plan will be specific to the legislative and governance roles of the Elected Member body. Some of the areas to be addressed will include:

- Role and function of Council Members
- Relationship between Elected Members, the CEO and Executive and staff
- Meeting Procedures
• Conflict of Interest
• Code of Conduct
• External Board Responsibilities
• Municipal Financial Management.

The Plan will be reviewed on an annual basis. This annual review will not be as extensive as the initial stages of the plan development. Some of the methods that may be used to conduct the review include:

• assessment of the needs of Elected Members utilising the LGA’s self assessment tool for Elected Members
• survey of Elected Members
• interviews
• mini Workshop.

Training and Development Budget

Money will be allocated in the budget each financial year for Elected Members to attend conferences, seminars, training and other professional development activities.

Elected Members are encouraged to attend professional development activities, each year such as training sessions, seminars or conferences.

Individual Elected Members can access training and development opportunities to a maximum aggregate value of $8 000 per term of office. If an Elected Member wishes to exceed this maximum aggregate value within a term of office, they must first seek approval from the Council via a formal report written by Council Administration.

Attendance at Approved Training and Development Activities

Attendance at training, professional development activities, networking functions, seminars and conferences within Australia where the total cost (taking into account registration fees, accommodation, transport and meals) is less than $3 500, must be approved by the Chief Executive Officer, prior to incurring the expense.

Attendance at training, professional development activities, networking functions, seminars and conferences where the total cost (taking into account registration fees, accommodation, transport and meals) is greater than $3 500 must be approved by Council, prior to incurring the expense via a formal report written by Council Administration.

Reimbursement of Expenses

Council will reimburse all out of pocket expenses associated with attending training, professional development activities, networking functions, seminars and conferences including:
• Local travel in taxis (by Cabcharge), buses, coaches and trains.
• Economy class air travel.
• Overnight accommodation at reasonable or standard rates or those associated with the conference via the conference convenors. (Elected Members may negotiate partial personal payment for higher class accommodation.)
• Meals (including food and beverage) for Members attending conferences or events, where any of those meals are not provided as part of the fee for the conference or event to the following limits:
  
  o Breakfast - $30
  o Lunch - $30
  o Dinner - $70

Receipts must be submitted with claims for reimbursement.

It is recognised that ‘incidental expenses’ may be incurred while away from home (eg newspapers, telephone calls etc). Reimbursement of $10 per day is payable without the production of receipts to provide for such expenses.

For general expenses please refer to Council policy COU2 entitled ‘Elected Member Allowances and Benefits Policy’.

**Annual Reporting**

Council’s Annual Report will include a section on the Training and Development undertaken by Elected Members over the course of the year.
CORRESPONDENCE

TITLE: CORRESPONDENCE
ITEM NUMBER: 93
DATE OF MEETING: 21 MAY 2014
ATTACHMENTS: CENTENNIAL PARK AUDIT AND RISK MANAGEMENT COMMITTEE MINUTES FROM THE MEETING OF 10 FEBRUARY 2014

MOVED: 
SECONDED:

That:
The correspondence from:
  • Centennial Park
be received.
MINUTES
OF THE MEETING OF
THE AUDIT AND RISK MANAGEMENT COMMITTEE
HELD: MONDAY 10TH FEBRUARY 2014
BOARD ROOM

1. OPEN MEETING

The meeting opened at 8.31 am.

PRESENT: Lisa Bishop (Independent Member)
          Geoff Vogt (Independent Member)
          M Carey (Unley Council)

IN ATTENDANCE: Stephen Hains (Chair) (Independent Member)
                Bryan Elliott (Chief Executive Officer, Centennial Park)
                Eva Salib (Manager Business & Corporate Services)
                Susan Seymour (Executive Assistant - Minute Taker)

2. APOLOGIES

G Martinella (Independent)

It was advised that notification had been received that Stephen Mounce had resigned from Mitcham Council. No advice had yet been received for a replacement representative from Mitcham Council. Mr Mounce was thank for his contribution to the Audit and Risk Management Committee.

The Chair thanked the Manager Business & Corporate Services for the work carried out on the Audit & Risk Management Committee Agenda.

3. CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the meeting of the Audit and Risk Management Committee held Wednesday 13th November 2013 were circulated with the agenda.

MOVED G Vogt, SECONDED M Carey that the minutes of the meeting of the Audit and Risk Management Committee held Wednesday 13th November 2013 (as amended) be taken as a true and correct record.

CARRIED
4. **MATTERS ARISING**

The Committee requested a Schedule of Outstanding Items to be maintained for the Audit and Risk Management Committee meetings.

The Chief Executive Officer was requested to clarify with the owner Councils that a quarterly Future Upkeep Provision report was required.

The Chair noted that a further report on the merits of alternate valuation methods for cemetery land was outstanding.

5. **DECLARATION OF INTEREST**

Members of the Audit and Risk Management Committee were invited to detail any interest in any agenda items that may impact on their fair and reasonable deliberations.

None were declared.

6. **BUSINESS INVESTMENT**

6.1. **REVIEW OF INVESTMENTS**

The Manager Business & Corporate Services was thanked for the update information on the investment that matured on the 21st January 2014 and the action that had been taken regarding its re-investment.

It was acknowledged that the level of funds on 24 hour-at-call was under review now that the impact of major capital projects on the need for sufficient cash to be available at-call had been reduced. A meeting had been scheduled with representatives of NAB to instigate a process that will reduce the amount of funds classified as 24 hour-at-call.

**MOVED G Vogt, SECONDED M Carey** that the report be received.

**CARRIED**

7. **POLICY REVIEWS**

7.1. **18.0 Risk Management Policy**

Discussions took place regarding some of the content of the policy that was in-fact procedural matters. It was acknowledged that previous versions included policy and procedures and there was still a level of procedural matters to be removed from the policy.

The Chair of the Committee volunteered to source and forward examples of a more succinct Risk Management Policy. It was agreed that the current Policy should be further reviewed.

References to Standards required to be updated.

**MOVED M Carey, SECONDED G Vogt:**

7.1.1. That the report be received, and

7.1.2. That 18.0 Risk Management Policy be further amended and be provided at the next scheduled meeting of the Audit and Risk Management Committee.
The Committee agreed that item 8.1 be brought forward as it had direct reference to the Risk Management Policy.

### 8.1 BUSINESS RISK ASSESSMENT – FINANCIAL INTERNAL CONTROLS

It was questioned whether renewing casual employment contracts on a regular basis, resulting in them being classified as permanent part-time, was a risk that should be identified in the report. It was acknowledged that it was a Human Resource’s issue which would be part of the Corporate Risk Assessment to be administered by the Board.

It was acknowledged that the current Business Risk Assessment (BRA), as presented to the Committee, reflected the financial risks that were the subject of review by the Audit & Risk Management Committee and the non-financial risks were to be considered by the Board.

It was requested that Table 1, Actions from the Finding of the Business Risk Assessment, be amended to include an additional column identifying the residual risks of each item.

It was acknowledged that a detailed risk assessment was required to enable appropriate audit investigations to be conducted to verify that controls were in place and operating appropriately. It was suggested that a summary report, identifying the extreme and high risks and an action table detailing remedial action being taken, be provided to the Committee in place of the current detailed report.

It was further requested that approximately 4-5 extreme-high risks identified to be presented to each scheduled meeting according to category, for more detailed consideration by the Committee.

The Internal Auditor utilised the detailed report to audit that controls were in place and working satisfactorily.

**MOVED M Carey, SECONDED G Vogt:**

8.1 That the report be received.

8.2 That the progress against the action plan be reported bi-annually to the Audit & Risk Management Committee.

**CARRIED**

### 7.2. INVESTMENT POLICY REVIEW

It was recognised that the Investment Policy needed to be developed to ensure that funds were built to ensure that ongoing operations of the organisation could continue to be paid should the organisation cease trading.

It was acknowledged that the Policy and the associated procedures would need to be considered at the same time. The Policy should be developed in such a manner to provide a level of assurance to the Board and the owner Councils that there was a sufficient level of conservatism in the investments being made, recognising that the overall performance of the investments needs to be greater than interest rates as the major component of cost to be covered by the policy was wages.

It was agreed that further input was required prior to the Committee recommending the Policy to the Board for adoption. This would include:

- giving more details on the types of short and long-term investments;
- sufficient spread of the investments to minimise risk; and
• due to prudential requirements, only Australian managed funds be utilised.

It was agreed that members of the A&RMC be kept updated with suggested amendments to the Policy and be invited to give feedback prior to the next version being presented to a formal Committee meeting.

MOVED M Carey, SECONDED G Vogt:

7.2.1. That the report be received.

7.2.2. That a further report and revised policy be presented at the next scheduled Audit & Risk Management Committee.

CARRIED

8. MATTERS FOR DISCUSSION

8.1. BUSINESS RISK ASSESSMENT – FINANCIAL INTERNAL CONTROLS

Discussed previously after Agenda Item 7.1.

8.2. REVIEW OF TRADING RESULTS

It was noted that the Chief Executive Officer had identified an issue with the statistical information while preparing a report for the Board on the Scale of Fees. This necessitated the statistical content of the financials be amended and the new amended documents were tabled.

It was clearly stated that the identified issue did not impact the financial results and was purely statistical.

It was advised that the methodology of budget allocation of income would be reviewed to approximate fluctuations that do occur on a month-by-month basis. It was recognised that income allocation in a budget is not an exact science.

Discussions ensued regarding market share of the various components (burials and cremations) and that the population of Adelaide is heavily skewed towards the northern suburbs (north of Gepps Cross).

MOVED G Vogt, SECONDED M Carey that the report be received.

CARRIED

8.3. REVIEW OF AGED DEBTORS

The Committee noted the report.

MOVED M Carey, SECONDED G Vogt that the report be received.

CARRIED

8.4. STATISTICS – TRAFFIC LIGHTS REPORT

It was noted that the various components that constitute the income of the Authority had not performed at the levels expected. This had impacted on the overall income received which had adversely impacted on the operating results.

MOVED G Vogt, SECONDED M Carey that the report be received.

CARRIED
8.5. **FUTURE UPKEEP PROVISION REVIEW**

It was questioned whether this needed to be a quarterly report which was a matter to be resolved with the owner Councils.

**MOVED M Carey, SECONDED G Vogt that the report be received.**

**CARRIED**

9. **INTERNAL AUDIT UPDATE**

Due to the requirement to conclude the appointment of the Internal Auditor to ensure that dates for the internal audit could be finalised, the Committee had been advised via email of the outcomes of the Expression of Interest for the Provision of Internal Audit Services. Whilst a number of organisations were invited to tender, only one tender had been received. The scope of works had been increased to encompass the changes in audit requirement and whilst the cost per annum had subsequently increased by 50% over the previous contract, the figure was still considered as a very competitive price.

It was questioned that a review of the integrity of the Management reports was not included in the priority list; however, the Committee was assured that this was a standard practice which would continue.

**MOVED G Vogt, SECONDED M Carey:**

9.1.1. That the report be received.

9.1.2. That the Audit & Risk Management Committee formally endorses the appointment of Ian McDonald, Creative Auditing for a minimum of three years as the Internal Auditor.

**CARRIED**

10. **STATUTORY AUDIT SERVICES**

The Committee initially expressed surprise at the cost detailed for the statutory audit services. It was explained that the evaluation matrix was for the full 5 years of the tender rather than the annual expense.

It was suggested that the level of variance in price between each tender was not sufficiently recognised in the evaluation matrix, as a small variance in price received a heavily unfavourable weighting factor (small price variance had a 20% variance in the waiting factor). The Committee, while supporting the overall recommendation to reappoint BDO, requested that the evaluation matrix be adjusted to reflect the views presented and the supporting report to also clearly identify the reasons presented verbally by the management representatives present.

**MOVED G Vogt, SECONDED M Carey:**

10.1.1. That the report be received.

10.1.2. That the Audit & Risk Management Committee endorses and recommends BDO (SA) Pty Ltd to the Board for a five-year term to provide statutory audit services to the Authority based on the evaluation matrix, as amended.

**CARRIED**
11. CORRESPONDENCE

There was no correspondence to report on.

12. OTHER BUSINESS

The Chief Executive Officer reported that the Burial and Cremation Act and Regulations had come into effect on 1st February 2014. Following discussion with the Board, the level of funds to be withheld from any refund was suggested to be in the vicinity of a minimum of 25%. The Chief Executive Officer advised that as a result of that discussion, he had devised a formula that was recommended to the Attorney-General and had been accepted and included in the Regulations.

The Chief Executive Officer pointed out that while it did not remove the obligation for a refund, it had reduced the potential liability of the Authority by over a third, based on previous calculations.

The Committee requested a more detail report to be provided to the next scheduled Audit and Risk Management Committee meeting.

13. NEXT MEETING

The next meeting of the Centennial Park Cemetery Authority Audit and Risk Management Committee is set down for 8.30 am Monday 12th May 2014 in the Board Room, Centennial Park Cemetery, 760 Goodwood Road, Pasadena, South Australia.

14. CLOSE OF MEETING

There being no further business the meeting closed at 9.37 am.